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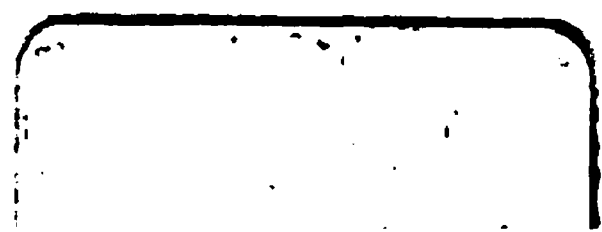
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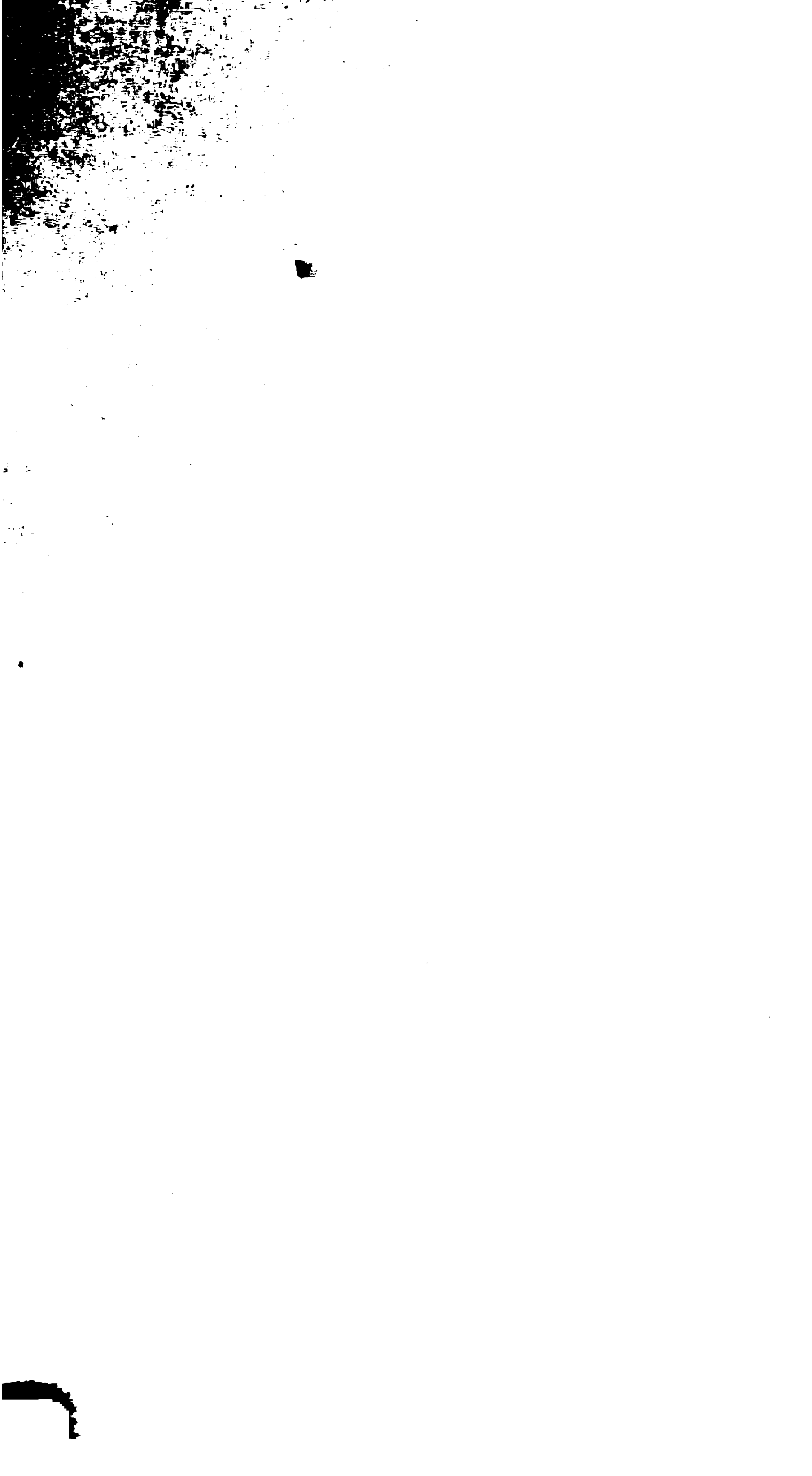
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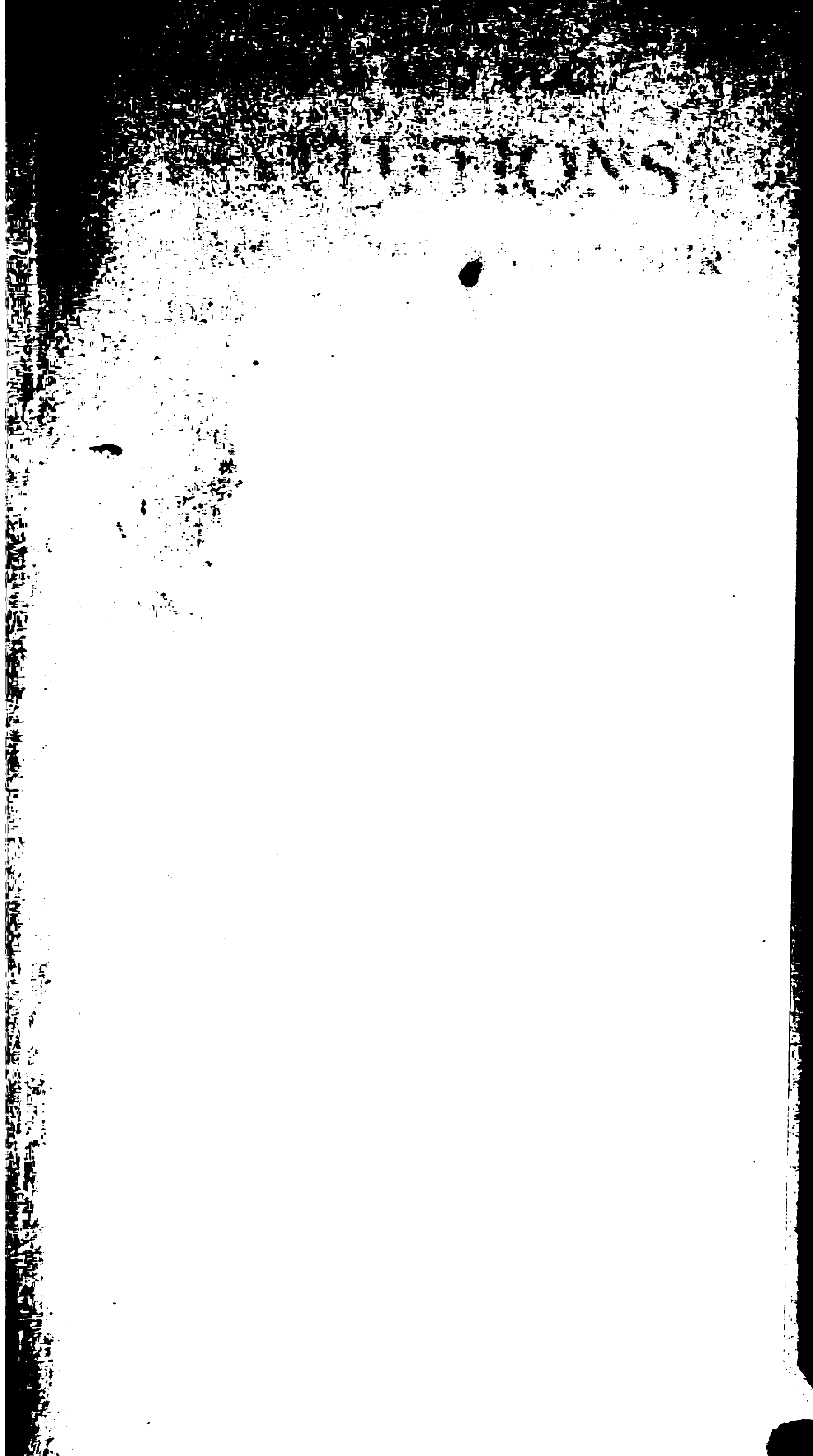
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Marine Islands

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the river of St. Croix next adjoining from thence extending along the river of Pemaquie or Pemaquid, and the river of the same as it tendeth to the river of Kenebeque, and to the river Canady northwards; the land commonly called by the several names of Long Island, situate and being between the Narrow Higansetts, abutting upon the two rivers there, called or known by the names of the Delaware and Hudson's river; together also with the river of the Delaware, and all the land from the river of the Delaware to the east side of the Delaware

of New Jersey." Leaming & Splcer.

the said James Duke of York, of in or to the said land, and
 or any part or parcel thereof, and the reversion and rever-
 mainder and remainders thereof: All of which said tract of
 premises were by indenture, bearing date the day before
 hereof, bargain'd and sold by the said James Duke of York,
 said John Lord Berkeley and Sir George Carteret, for the term
 whole year to commence from the first day of May last past
 the date thereof, under the rent of a peper corn, payable as
 is mentioned as by the said deed more plainly may appear:

and virtue of which said indenture of bargain and sale, and of the statute for transferring of uses into possession, the said John Lord Berkley and Sir George Carteret, are in actual possession of the said tract of land and premises, and enabled to take a grant and release thereof, the said lease being made to that end and purpose, to have and to hold all and singular the said tract of land and premises; with their, and every of their appurtenances, and every part and parcel thereof, unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, to the only use and behoof of the said John Lord Berkeley and Sir George Carteret their heirs and assigns for ever; yielding and rendering therefore unto the said James Duke of York, his heirs and assigns, for the said tract of land and premises, yearly and every year the sum of twenty nobles of lawful money of England, if the same shall be lawfully demanded at or in the Inner Temple Hall, London, at the Feast of St. Michael the Arch Angel yearly. And the said John Lord Berkley and Sir George Carteret for themselves and their heirs, covenant and grant to and with the said James Duke of York, his heirs and assigns by these presents, that they the said John Lord Berkley and Sir George Carteret, their heirs and assigns, shall and will well and truly pay or cause to be paid unto the said James Duke of York, his heirs and assigns, the said yearly rent of twenty nobles at such time and place, and in such manner and form as before in these presents is expressed and delivered. In witness whereof the parties aforesaid to these presents have interchangeably set their hands and seals, the day and year first above written.

JAMES.

Sign'd, seal'd and deliver'd in the presence of

WILLIAM COVENRYE,
THOMAS HEYWOOD.

**THE CONCESSION AND AGREEMENT OF THE LORDS PROPRIETORS
OF THE PROVINCE OF NEW CAESAREA, OR NEW JERSEY, TO
AND WITH ALL AND EVERY THE ADVENTURERS AND ALL
SUCH AS SHALL SETTLE OR PLANT THERE—1664 ***

IMPRIMUS. We do consent and agree, that the Governor of the said Province hath power, by the advice of his Council, to depute one in his place and authority, in case of death or removal, to continue until our further order, unless we have commissioned one before.

ITEM. That he hath likewise power to make choice of and to take to him six councellors at least, or twelve at most, or any even number between six and twelve, with whose advice and consent, or with at least three of the six, or four of a greater number (all being summon'd) he is to govern according to the limitations and instructions following, during our pleasure.

ITEM. That the chief Secretary or register which we have chosen, or shall choose, (we failing) that he shall choose, shall keep exact entries in fair books of all publick affairs: and to avoid deceits and lawsuits, shall record and enter all grants of land from the lords to

* Verified by "Grants and Concessions of New Jersey." Leaming & Spicer, 2d Ed., pp. 12-26.

the planters; and all conveyances of land, house or houses from man to man, as also all leases for land, house or houses, made or to be made by the landlord to any tenant for more than one year; which conveyance or lease shall be first acknowledged by the grantor or leasor, or proved by the oath of two witnesses to the lease or conveyance, before the Governor or some chief judge of a court for the time being, who shall under his hand on the backside of the said deed or lease, attest the acknowledgment or proof as aforesaid; which shall be a warrant for the register to record the same: which conveyance so recorded shall be good and effectual in law, notwithstanding any other conveyance, deed or lease for the said land, house or houses, or for any part thereof, altho' dated before the conveyance, deed or lease, recorded as aforesaid: And the said register shall do all other thing or things that we by our instructions shall direct, and the Governor, Council and General Assembly shall ordain for the good and welfare of the said Province.

ITEM. That the Surveyor General, that we have chosen or shall choose, (we failing that the Governor shall choose) shall have power by himself or deputy, to survey, lay out and bound all such lands as shall be granted from the lords to the planters; and all other lands within the said Province which may concern particular men as he shall be desired to do, and a particular thereof certify to the register to be recorded as aforesaid. Provided, that if the said register and surveyor, or either of them, shall misbehave themselves, as that the Governor and Council or Deputy Governor and Council, or the major part of them, shall find it reasonable to suspend their actings in their respective employments, it shall be lawful for them so to do, until further orders from us.

ITEM. That the Governor, Councillors, Assembly Men, Secretary, Surveyor, and all other officers of trust, shall swear or subscribe (in a book to be provided for that purpose) that they will bear true allegiance to the King of England, his heirs and successors; and that they will be faithful to the interests of the Lords Proprietors of the said Province and their heirs, executors and assigns; and endeavour the peace and welfare of the said Province; and that they will truly and faithfully discharge their respective trust in their respective offices, and do equal justice to all men, according to their best skill and judgment, without corruption, favour or affection; and the names of all that have sworn or subscribed, to be entered in a book. And whosoever shall subscribe and not swear, and shall violate his promise in that subscription, shall be liable to the same punishment that the persons are or may be that have sworn and broken their oaths.

ITEM. That all persons that are or shall become subjects of the King of England, and swear, or subscribe allegiance to the King, and faithfulness to the lords, shall be admitted to plant and become freemen of the said Province, and enjoy the freedoms and immunities hereafter express'd, until some stop or contradiction be made by us the Lords, or else the Governor, Council and Assembly, which shall be in force until the Lords see cause to the contrary: provided that such stop shall not any ways prejudice the right or continuance of any person that have been receiv'd before such stop or orders come from the General Assembly.

the said Council, be the
Governor or his deputy
in the absence of the Gov-

SECTION 12. TO HAVE POWER

to meet and to adjourn their
sessions and places as they shall think
proper; the number of their quorum; pro-
vide that a majority of more than the third part of the whole,
shall have power of the General Assembly.
to make laws, acts and constitutions as shall
be for the benefit of the said Province, and them

for the good, properly
expressed by these powers
expressed.

EXPRESS

by the laws of the General
civil and military, do and
respectively, according to the
for swerving from the laws, or
the nature of their offences shall

of the General Assembly, to
several judges, members and officers
or ministerial and all other
and their commissions, powers, and
provided, that they appoint none
in the Province aforesaid, unless the

shall go before the first day of January 1665 to the first day of January 1666, with an intention to settle the like quantity of land: And for every weaker person, exceeding the age of fourteen years, the like quantity of land: And to every Christian servant of the like measure.

And for every man and free woman that shall arrive within the first day of January 1665 to the first day of January 1666, with an intention to settle the like quantity of land: And for every man or woman, armed and provided as aforesaid, the like quantity of land: And for every weaker person, exceeding the age of fourteen years, the like quantity of land: And to every Christian servant of the like measure.

And for every man or slave, aged as aforesaid, the like quantity of land: And to every Christian servant of the like measure.

...shall possess, besides
...In failure of which
...as his assigns, there shall
...completing the said number
...of such part of their lands
...of these years. If any such person
...by himself his agents, executors or assigns
...such number of persons, unless
...shall without respect to poverty, judge it
...to keep or procure his or her
...as aforesaid; in such case we shall
...power of disposing of so much of such land as shall
...with its due number of persons as aforesaid, to settle
...will plant the same. *Provided always*, That no person
...the said Province, with purpose to settle (they being sub-
...naturalized as aforesaid) be denied a grant of such proportion
...land as at the time of their arrival that are due to themselves
...servants, by concession from us as aforesaid; but have full liberty
...take up and settle the same, in such order and manner as is
...or prescrib'd. All lands (notwithstanding the powers in the
...sembly aforesaid) shall be taken up by warrant from the Governor
...and confirm'd by the Governor and Council, under a seal to be
...vided for that purpose, in such order and method as shall be
...down in this declaration, and more at large in the instructions to
...Governors, and Council.

AND THAT THE LANDS MAY BE THE MORE REGULARLY LAID OUT AND
PERSONS THE BETTER ASCERTAIN'D OF THEIR TITLE AND POSSESSION

1. The Governor and Council and General Assembly (if any) to take care and direct, that all lands be divided by general

...the twentieth day of
...of several
...to be holden of the
...common usage; the first
...and twentieth day of March,
...one thousand six hundred and
...Given under the seal of
...in the year of our Lord

...or his deputy hath hereby full
...Province, and to subscribe his
...the major part of them, are to sub-
...the instrument or grant is to be by the
...records for that purpose; all which
...instructions we hereby declare, that
...law for the enjoyment of the said
...and profits and in the same (except
...and silver) paying the rents as afore-
...plantation so granted, shall by the space
...be planted with a sufficient number of
...that then it shall be lawful for us

That as to the 6th Article, it shall be in the power of the Governor and his Council to admit of all persons to become planters of the said Province, without the General Assembly; but no persons whatsoever shall be counted a freeholder of the said Province, nor have any vote in electing, nor be capable of being elected, unless they shall be admitted by the General Assembly, or by the Governor and Council, or any of them, as concerning any grant or for any other thing they shall desire, without the Governor and Council, or any of them. Given under the Great Seal of the said Province the tenth day of February in the year of our Lord one thousand six hundred sixty and four.

JOHN BURNETT
 G. CARTER

EXPLANATION OF THE TRUE INTENT AND MEANING OF THE CHARTER OF THE LORDS PROPRIETORS, AND EXPLANATION OF THEIR CONCESSIONS MADE TO THE ADVENTURERS AND PLANTERS OF NEW CAROLINA OR NEW JERSEY—1672*

Leaming & Spicer 2d Ed. pp. 32-34.

That as to the 6th Article, it shall be in the power of the Governor and his Council to admit of all persons to become planters of the said Province, without the General Assembly; but no persons whatsoever shall be counted a freeholder of the said Province, nor have any vote in electing, nor be capable of being elected, unless they shall be admitted by the General Assembly, or by the Governor and Council, or any of them, as concerning any grant or for any other thing they shall desire, without the Governor and Council, or any of them.

* Verified by "Grants and Concessions of New Jersey."

in case of foreign invasion or intestine
war, for the Governor and his
Council, in whatever whether free-

in the regular laying out
of land in townships, and quantities
of land is left to the freeholders or
they can agree with the Governor and
Council, but to be laid out by the

not exceeding the proportions
set by the Governor and Secretary
Council or any part of them be not

understand that in all General As-
sembly Council are to set by themselves, and

...the said Sir George Carteret, is in
...the eighth and
...under the rent
...as by the said
...and virtue of which said
...statute made for trans-
...Sir George Carteret, is in
...and premises, and enabled
...said lease being made to that
...all and singular the said tract
...every of their appurtenances,
...to the said Sir George Carteret,
...of the said Sir George Carteret
...and paying therefore unto
...and assigns, for the tract of
...of twenty nobles of lawful money
...lawfully demanded at or in the

CHAPTER XIV

any person or persons of
designedly, willfully, and
to move, any matter or thing w
ways subverts, any fundamentals of the
of the government of this Province,
and reputable persons, he or they shall
as traitors to the said government.

CHAPTER XV

Concessions, law or great charter of
in a fair table, in the Assembly House, and
beginning and dissolving of every general
it is further agreed and ordained, that the said

by "Grants and Concessions of New Jersey."

in
the said court, or in any other court of judicature
in England, Wales, or Town of Berwick, for or
against any person or persons, felonious
or otherwise, who or she have personal
dwelling place, if in the
said court, or other, constituted and
authorized court of judicature
shall take account of the cause or
business of the person or persons
who or she shall appear, and that he hath
to appear, and answer the said suit, if he
shall be within the English of the said court,
for every twenty miles, two days
journey, and so proportionably for a

summons, and non-appearance of
such person or persons shall or may be issued
against such person or persons of such defaulters, to
the said court, returnable at a day cer-
tain, in such suit or suits; and if

And that they the said justices shall give judgment as they shall receive from, and be directed by the law, in which only the judgment resides, and not by the opinion of their respect and refusal, that then only in the absence of the law, pronounce their own judgment as shall hereafter.

And if any judgment shall be past, in any case civil or criminal, by any other person or persons, or any other way, then according to the law and appointment, it shall be held null and void, and any person or persons so presuming to give judgment, shall be declared incapable of any office or trust within this Province.

CHAPTER XX

That in all matters and causes, civil and criminal, proof shall be made by the solemn and plain averment, of at least two reputable persons; and in case that any person or persons shall be found to be a false witness, and bring in his or their evidence, contrary to the truth of the matter as shall be made plainly to appear, then every such person or persons, shall in civil causes, suffer such damages as shall be due to the person or persons he or they shall be against. And in case any witness or witnesses, on the behalf

...the first day of July, Anno
...and twentieth year of the reign of
...the Second, over England, &c.
...Province may
...and be present,
...that justice
...manner, being intended
...by these our Concessions
...and persons inhabiting
...be free from oppression

...BETWEEN E. AND W.
...1st, 1676.

...the first day of July, Anno
...and twentieth year of the reign of
...the Second, over England, &c.

...of New Jersey." Leaming & Spicer.

and all the lands, tenements, houses, messuages, gardens, woods, commons, fisheries, mines, minerals, quarries, and other things, together with the rents, revenues, and profits of all and singular the same, and every part and parcel thereof; to have his said Majesty's said dear brother, the said James, his heirs and assigns for ever; to be holden of the said Majesty's heirs and successors, as of his majesty's manor of Woodstock, in his Majesty's county of Kent, in free and common socage, in capite or by knight service, under the yearly rent of five shillings, to be paid unto his said Majesty his heirs and assigns, when they shall be demanded, or within ninety days after the demand, by Letters Patent, relation being thereunto had, it may appear by which said Letters Patent his said Majesty did give full power, grant unto his said dearest brother James Duke of York, his deputies, agents, commissioners and assigns, full power, sole privilege and authority for the correcting, punishing, punishing, punishing, and ruling such of the subjects of his said Majesty his heirs and successors, as shall at any time adventure themselves to come, port and places, or inhabit there, according to such laws, statutes, ordinances, directions and instructions, as by his said Majesty's said dear brother James Duke of York, his heirs and assigns, should be made, devised, ordained, enacted, established, and put in execution, touching the same, as by the said Letters Patent may more fully appear.

the north-west
corner of Delaware
County, at latitude, and
the river in forty one
miles then afterwards to
the borders of New Jersey; and
all the rights, hawking, hunting,
commodities and hereditaments
belonging, or in
any way of their appurtenances,
was or were granted to his
said Lord of York, in and by the said therein
granted; and all the estate, right,
claim and demand of the said James
the lands and premises, or any part or
reversions, remainder and re-
tained unto the said John Lord Ber-
keley and his heirs and assigns for ever, under
the annuities, payable unto his said Royal
Highness of York, in manner as the same is

...and lands and premises...
...by means of the said...
...conveyances, or...
...and the reversion and...
...of the same, to have and to...
...his heirs and assigns forever, to the...
...of the said John Fenwick his heirs and assigns...
...last recited indentures of bargain and sale...
...had, it may appear. *And whereas* in said...
...the one being an indenture of bargain and...
...of one whole year, and bearing date the ninth day...
...which was in the year of our Lord 1674, and made between...
...John Fenwick and Edward Billinge, of the one part, and...
...William Penn, Gawn Lawry and Nicholas Lucas of the...
...And the other being an indenture tripartite of grant, re...
...firmation, bearing date the tenth day of the same month...
...Anno Domini 1674, and made between the said John Fen...
...first part: The said Edward Billinge of the second part...
...said William Penn, Gawn Lawry, and Nicholas Lucas of the...
...part; and by several other good and sufficient conveyanc...
...ances in the law duly executed, the said moiety or half...
...said tract of land, and the said moiety or half part of...
...other the said several and respective premises so convey...
...said John Fenwick as aforesaid, with all and every the...
...and appurtenances of the same, were convey'd unto, a...
...now vested in the said William Penn, Gawn Lawry and

...the said William Penn, Gawn Lawry, Nicholas
...and paid by the said Sir George
...do hereby respectively acknowl-
...and they the said William Penn,
...by and with the consent, direction
...Edward Billinge, testified by his being
...and executing of these presents,

...the said north partition point, is now
...of the said parties to these presents
...to be called, the line of partition, which is the
...intended, by the said consent and
...the said parties, for the dividing and making a partition
...of the said easterly part, share and portion, from
...share and portion of the said tract of land and premises
...by his said Royal Highness aforesaid, in and by the
...intended to be bargain'd, sold and convey'd by the said
...Charter unto the said William Penn, Gawn Lawry and
...Laws, and all and every the isles, islands, rivers, mines,
...woods, fishing, hawkings, huntings, and fowlings; and all
...alties, governments, powers, forts, franchises, harbours, ports,
...medities and hereditaments whatsoever, unto the said easterly
...share and portion of the said tract of land and premises be
...in any wise appertaining, with their and every of their
...nances, and all the estate, right, title, interest, benefit, power,
...claim and demand whatsoever, as well in law as in equity, by
...said Edward Billinge, William Penn, Gawn Lawry, Nicholas
...and each and every of them, of, in, unto, and out of the said
...part, share and portion, easterly parts, shares and portions
...of land and premises, and of, in, unto and out of every

I do hereby certify that the reading
of the said Letters Patent and the
recital therein contained as
well as the contents or may be any
part thereof, charge, estate or
interest in any her which now
is due and unpaid, upon any
of the before recited Letters
Patent herein before recited to
James Duke of York, or
further witness that in
the said herein before recited
partition so
of five shillings to him
paid, by the said William Penn,
the receipt whereof he doth hereby
Carteret hath bargained, sold,
and doth by these presents, bargain,
the said William Penn, Gawn
their heirs and assigns forever, all
and all that and those other part

the said Sir George Carteret, of, in, unto and out of every part and parcel of the same, with the reversion and reversions, remainder and remainders, and of every part and parcel of the same, and services upon any estates or grants heretofore granted by the said Lord Berkeley and Sir George Carteret, of them, of any part or parts of the said premises hereunto, to the said William Penn, Gawn Lawry, and Nicholas Lucas, herein or hereby mentioned, or intended so to be; all the westerly part, share and portion, parts, shares and portions of the said tract of land and premises are now by the consent and agreement of the parties to these presents, called and agreed forth to be called by the name of West Jersey, and is and shall be only all that part, share and portion, and all those parts, shares and portions, of the said tract of land and premises so conveyed by the said Royal Highness as aforesaid, as lyeth extended westward from the west side of the said line of partition herebefore mentioned, to have and to hold unto the said William Penn, Gawn Lawry, and Nicholas Lucas, their heirs and assigns in and to the only use of the said William Penn, Gawn Lawry and Nicholas Lucas, and of their heirs and assigns forever. And the

...the said rent of twenty
...due and payable unto
...of York, and his heirs,
...in manner following,
...part thereof by the said Sir
...and to be issuing out of, and
...part and share of the said prem-
...the said Sir George Carteret, his
...moiety or half part thereof by
...Lawry and Nicholas Lucas, their
...out of, and charged and charge-
...the said premises which is hereby
...Penn, Gawn Lawry and Nicholas
...In witness whereof all the said re-
...have to each part of these presents

And the said John Fenwick, con-
veyed the said land and Edward
Byllynge, his heirs, assigns, the said
John Fenwick, and William Penn,
his heirs, to the use of
the said undivided hundred
parts of the said Fenwick, and of his heirs,
in fee simple equal and undivided
to the said undivided society, to the use of
the said John Fenwick, and Nicholas Lucas, their
heirs, assigns, the said Edward Byllynge, his
heirs, assigns, the said John Fenwick, con-
veyed the said undivided hundred parts, of the
said land, to the said John Eldridge, and Edmund Warner
his heirs, assigns, And the said John Eldridge, and
Edmund Warner, conveyed the same ten equal and undivided
parts, of the said land, to the said William Penn, Gawen Lawry, and
his heirs, assigns forever, the better to enable
the said William Penn, Gawen Lawry, and

...and by the
...and Edward
...and John Fen-
...of the said Edward
...convey the said
...and William Penn,
...their heirs, to the use
...and undivided hundred
...Fenwick, and of his heirs
...ninety equal and undivided
...moiety, to the use of
...and Nicholas Lucas, their
...the said Edward Byllynge, his
...which the said John Fenwick, con-
...undivided hundred parts, of the
...Eldridge, and Edmund Warner
...And the said John Eldridge, and
...the same ten equal and undivided
...William Penn, Gawen Lawry, and
...assigns forever, the better to enable
...William Penn, Gawen Lawry, and

...the said line of partition before mentioned, and the said line of partition, and all those parts, shares and portions of the tract of land and premises, so conveyed by the said James York, unto the said John Lord Berkley, and Sir George Carteret, of, in, and by the said John Lord Berkley, and Sir George Carteret, as the reversion and reversions, remainings, and of every part and parcel of the said tract, share and portion, was then and there made, and agreement of the said parties, the said James York, William Penn, Gawen Lawry, Nicholas Lucas, and others, called and agreed from thenceforth to be the name of West New Jersey, and all that and only all that part, share and portion, and all those parts, shares and portions of the tract of land and premises, so conveyed by the said James York, unto the said John Lord Berkley, and Sir George Carteret, as lyeth, and lye extended westward and southward of the west side of the said line of partition before mentioned, hold unto the said William Penn, Gawen Lawry, and Nicholas Lucas, their heirs and assigns, in severalty to the use of them, their heirs and assigns forever. Upon which partition so made, the said William Penn, Gawen Lawry, and Nicholas Lucas, became and are to be the owners of all that westerly part of the said premises as now called West New Jersey, with the appurtenances in severalty. And the said premises were seized pursuant to a trust for that purpose reposed in the said William Penn, Gawen Lawry, and Nicholas Lucas, and conveyed ten full equal undivided hundred parts of the said

...and improving of
...and territories thereby
...from time to time, such
...to go or be transported
...for the defending, guarding
...the well governing of the same,
...in the same, and for the
...necessary and convenient laws
...government, and the punishing
...as occasion shall require; and
...and confirm, and also to revoke,
...singular governors, officers, and
...Royal Highness, his heirs or assigns,
...fit or needful to be made, or-
...said parts or places, or any of them.
...and useful, and necessary for the
...and preserving the said respective
...of them and all such as are and
...Now these presents witness, that for

...to the said John Byllynge, his heirs and assigns forever, in full and undivided hundred parts of the said William Penn, Garven Lawry, and his heirs and assigns forever; in trust nevertheless for Edward Byllynge, his heirs and assigns forever, paying therefore yearly for the said whole entire part of the said Royal Highness, his heirs and assigns, the yearly sum of lawful English money, at or in the Middle Temple, at or upon the feast day of St. Michael the next ensuing, and these further witness, that for the better enabling of the said Byllynge, his heirs and assigns, to improve and to traffic with people, and to exercise all necessary governments whereby the said premises may be the better improved and more useful to him, his heirs and assigns, and to the King, his said Royal Highness hath likewise given, granted, transferred, and doth by these presents give, grant, assign, and transfer unto the said Edward Byllynge, all and every powers, authorities, jurisdictions, governments, and other things whatsoever, which by the said respective Letters or either of them, are and were granted, or intended to be exercised by his said Royal Highness, his heirs, or assigns, or agents, in, upon, or in relation unto the

VI. That it shall not be lawful for the Governor of the said Province, his heirs or successors for the time being, or for any of them, to levy or raise any sum or sums of money, or to do any other thing, without the act, consent and concurrence of the General Free Assembly of the said Province; and such act as shall be made by the said Assembly.

VII. That all officers of State, or trust, relating to the said Province, shall be nominated and elected by the General Free Assembly from time to time, or by their appointment; which officers shall be accountable to the General Free Assembly, or by the said Assembly shall appoint.

VIII. That the Governor or the Province aforesaid, his heirs or successors for the time being, or any of them, shall not do, or make treaties, or enter into an alliance upon account of the said Province, without the consent of the General Free Assembly.

IX. That no General Free Assembly hereafter to be held by the free people of the Province aforesaid, shall give to the

John Gordon, of Cluny, in
the county of Middlesex, mar-
ried the said county of Middlesex,
aforecaid, merchant; Ambrose
Gordon, of Surry, gentleman; Thomas
Gordon, of London; Gawn Lawry, of
the city of Westminster, in
the county of Middlesex, mar-
ried the said county of Middlesex,
aforecaid, merchant; James Braine, of London, mer-
chant and haberdasher, of London; John
Hartshorn, citizen

...the things therein
...of the said tract, in his
...and not in
...therein mentioned
...Duke of York, did
...conveyances and assurances
...the twenty-third and twenty-fourth
...year of his said Majesty's reign, by
...mentioned, grant and convey the said
...before mentioned, to John Lord Berkeley, by
...one of his Majesty's most honourable Privy
...George Carteret, of Salterem, in the county of Devon
...and one other of his Majesty's most honourable
...and their heirs, the said tract and premises
...mentioned, and the reversion and reversions, remain
...of the same, to hold unto the said John Lord
...George Carteret, their heirs and assigns for ever, in
...rent of twenty nobles sterling, payable as the same
...to be paid. AND WHEREAS his said Majesty did by
...decrees, dated the twenty-ninth day of June in the
...year of his said Majesty's reign, grant and convey unto
...and his heirs forever, as well the said tract

unto the said parties now
being divided for the dividing
the said part, share and portion,
of the said tract of land
the said rivers, mines,
hunting and fowlings, and all
the said rivers, forts, franchises, harbours,
and premises whatsoever, unto the said
parties of the said tract of land and prem-
ises pertaining, with their and every of
their estate, right, title, interest, claim
and demand from the said William Penn, Gawn
and Edward Byllynge, and of each and every
of the said easterly part, share and portion
of the said premises, and every part and parcel

...the said Earl of Bath; the said Earl of Bath, by his last will and testament, bearing date the fifth day of February last past, hath released all his estate, interest and right in and to the said premises, to the said Sir George Carteret, by his indenture bearing date the fifth and sixth days of February last past, in the thirteenth year of his Majesty's reign conveyed, amongst other things, to Thomas Cremer, of the parish of St. Andrew's, Holbourne, in the county of Middlesex, and Thomas Pocock of the same, gentleman, as by the relation being thereunto had, it may appear. AND WHEREAS the said Earl of Sandwich, by his indenture bearing date the two and twentieth day of February last past, hath released all his estate, interest and right in and to the said premises, to the said Earl of Bath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, and their heirs, as by the said indenture, relation being thereunto had, it may appear. AND WHEREAS the said Earl of Bath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, by their consent and direction of dame Elizabeth Carteret, relict and widow of the said Sir George Carteret; and the said Thomas Pocock, by the consent and direction of the said Sir George Carteret, Earl of Bath, Lord Crew, Bernard Greenville, Sir Robert Atkins and Sir Edward Atkins, have by indenture bearing date the first and second days of February last past, granted and conveyed to the said William Penn, Esquire, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard

...the better governing, keep-
ing, and respective places and terri-
tories, and all such as are and shall be
his witness, that for and in con-
sideration of lawful English money, unto his
Highness, and for the better extinguishing
of the said Royal Highness, or his heirs,
the premises aforesaid, now called East
India, and for the further and better
confirming of the same, and of
the purport and true meaning of

And the said James, Earl of Perth, James Gordon, Robert Barckly, David Barckly, Robert Gordons, William Penn, Robert West, Thomas Rudyard, Samuel Thomas Hart, Richard Mew, Ambrose Rigg, John Hart, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, George Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, forever, yielding and paying therefor yearly for the said premises, unto his Royal Highness, his heirs and assigns, a rent of ten nobles of lawful English money, at or upon Temple Hall, London, at or upon the feast day of St. Michael Archangel, yearly. And the said James, Earl of Perth, James Gordon, Robert Barckly, David Barckly, Robert Gordons, William Penn, Robert West, Thomas Rudyard, Samuel Thomas Hart, Richard Mew, Ambrose Rigg, John Hart, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, George Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, do for themselves and for their several and respective heirs, executors, administrators, assigns, covenant, promise and agree to and with his Royal Highness, his heirs and assigns, to pay, or cause to be paid, an *annual rent of ten nobles*, on the days and times herein before expressed, for payment thereof. And these presents further witness

...the punishment and
...shall remain and
...also to revoke.

...and assignors, or
...of them, con-
...that these presents
...of them and Royal Highness
...In witness whereof
...indentures, interchange-
...all day and year first above

JAMES.

...Highness, in the presence of
...and
...the

...shall also be requisite after the
...shall any law be made or enacted
...any ways touches upon the goods
...thus passeth in the great Council;
...pay any money or goods without a
...public enemy to the Province, and
...thereof: also the quorum of this
...Proprietors, or their proxies, and
...in determination, the proportion-
...and freemen must agree, viz. two

the said Proprietors do by these presents agree and con-
firm, that the said Proprietors shall and lawfully may, and every the Adventurers shall
and lawfully may, within the said Province in Anno 1664, by
virtue of the six and seven articles, that the great
Charter, by us confirmed as there expressed, doth
contain within the said Province, or any part thereof,
build forts, castles, cities and other places of defence, and
let them, to fortify and furnish with such provisions
of ordnance, powder, shot, armour and all other
munition and habiliments of war, both offensive and defensive,
as shall be thought necessary and convenient for the safety and
defence of the said Province; as also to constitute train bands
with the number of the soldiers, for the safety, strength
of the aforesaid Province; to suppress all mutinies
to make war offensive and defensive, against all and sundry
that shall infest the said Province, not only to keep the enemy
within limits, but also, in case of necessity, the enemy by
pursue out of the limits and jurisdiction of the said Province;
that amongst the present Proprietors there are several
that they have no freedom to defend themselves with
others who judge it their duty to defend themselves, with
children, with arms; it is therefore agreed and consented
that the said Proprietors do by these presents agree and con-



...and Thomas Warne,
...and
...Robert
...William
...Thomas
...Hugh Hartshorn,
...Ed
...arker
...rever

...use of his
...merchants
...rest of the
...appoint
...share of it fall
...by the com
...power de
...or more votes
...others qual
...H
...Province who conf
...God, and
...ly and quietly
...admini
...his

...shall be registered in a publick register in every
county in law; also there is to be a register in each city
for burials and servants, where their names
and days of payment shall be registered; but the manner
of setting these registers is recommended to the governor
and the fees which are to be moderate and certain; and
if more in any office, directly or indirectly by himself
shall forfeit his office.

XIX. That no person or persons within the said
be taken and imprisoned, or be devised of his freedom
or liberty, or be outlawed or exiled, or any other way
shall they be condemn'd or judgment pass'd upon them,
judgment of their peers: neither shall justice nor right
sold, deferred or delayed, to any person whatsoever: in
by the laws of the land, all tryals shall be by twelve men
as it may be, peers and equals, and of the neighborhood
without just exception. In cases of life there shall be
four returned by the sheriff for a grand inquest, of which
least shall be to find the complaint to be true; and three
men or peers to be likewise returned, shall have the first
but reasonable challenges shall be always admitted against
men, or any of them: but the manner of returning
thus, the names of all the freemen above five and twenty
within the district or boroughs out of which the jury is to
shall be written on equal peices of parchment and put
and then the number of the jury shall be drawn out by

ten years of age. And in all courts persons of all perswasions may freely appear in their own way, and according to their own manner, and there personally plead their own causes themselves, or if unable, by their friends, no person being allowed to take money for pleading or advice in such cases: and the first process shall be the exhibition of the complaint in court fourteen days before the tryal, and the party complain'd against may be fitted for the same, he or she shall be summoned ten days before, and a copy of the complaint delivered at their dwelling house: But before the complaint of any person be received, he shall solemnly declare in court, that he believes in his conscience his cause is just. Moreover, every man shall be first cited before the court for the place where he dwells nor shall the cause be brought before any other court but by way of appeal from sentence of the first court, for receiving of which appeals, there shall be a court consisting of eight persons, and the Governor (protempore) president thereof, (to wit) four Proprietors and four freemen, to be chosen out of the great Council in the following manner, viz. the names of sixteen of the Proprietors shall be written on small pieces of parchment and put into a box, out of which by a lad under ten years of age, shall be drawn eight of them, the eight remaining in the box shall choose four; and in like manner shall be done for the choosing of four of the freemen.

XX. That all marriages not forbidden in the law of God, shall be esteemed lawful, where the parents or guardians being first acquainted, the marriage is publickly intimated in such places and manner as is agreeable to mens different perswasions in religion, being afterwards still solemnized before creditable witnesses, by taking one another as husband and wife, and a certificate of the whole, under the parties and witnesses hands, being brought to the proper register for that end, under a penalty if neglected.

XXI. That all witnesses coming or called to testify their knowledge in or to any matter or thing in any court or before any lawful authority within the Province, shall there give and deliver in their evidence by solemnly promissing to speak the truth, the whole truth and nothing but the truth to the matter in question. And in case any person so doing shall be afterwards convict of willful falsehood, both such persons as also those who have proved to have suborn, shall undergo the damage and punishment both in criminal and in civil; the person against whom they did or should have incurred, which if it reach not his life, he shall be publickly exposed as a false witness, never afterwards to be credited before any court; the like punishment in cases of forgery, and both criminals to be stigmatized.

XXII. Fourteen years quiet possession shall give an unquestionable right, except in cases of infants, lunaticks or married women, or persons beyond sea or in prison. And whoever forfeits his estate to the government by committing treason against the Crown of England, or in this Province, or by any other capital crime, the nearest of kin may redeem it within two months after the criminals death, by paying to the public treasury not above one hundred pounds, and not under five pounds sterling, which proportion the common Council shall determine, according to the value of the criminals estate, and to the nature of the offence; reparation to any who have suffered by him, and payment of all just debts being always allowed.

...and he shall well and lawfully
...according to his examination
...is confirmed the true right of the
...and balance both of the Proprietors
...and the people: it's therefore
...whatever is necessary to be retained
...so that henceforward there is nothing further
...than them, that which relates to the security
...up upon them, being allways excepted
...that all judicial and legal proceedings heretofore
...in them, be held, approved and confirmed.

Drummond. Robert Burnet. Bar. Gibson.
Gawn Lawry. Perth. William Gibson.
Thos. Hart. Thomas Barker and as proxy
Riggs. Clement Plumstead, proxy for
Sonmans. Robert Turner and Thomas C.

THE KING'S LETTER RECOGNIZING THE PROPRIETORS TO THE SOIL AND GOVERNMENT—1674

CHARLES, R.

WHEREAS his Majesty for divers good causes and
him thereunto moving, by Letters Patents bearing date
ninth day of June, Anno Domini 1674, in the twenty
his Majesty's reign, was pleased to give and grant

as also to their
lawfully com-
and authorities granted
with and pleasure, the Gov-
publick notice, his Majesty
compliance with this his
as well without the Prov-
(as presents do or may concern) as
at their peril. Given at the
day of November, 1683, in the

SUNDERLAND.

of East New Jersey, for the time
stantants, and all others concerned in

John Marshall,
Lord High Admiral,
Lord Chamberlain,
Earl of Dorset,
Earl of Manchester,
Earl of Stamford,
Earl of Burlington,

Mr. Secretary,
Mr. Vice-Chamberlain,
Mr. Treasurer,
Mr. Clerk,
Lord Chief Justice,
Sir Attorney General,
Mr. Solicitor General,

This day the several Proprietors of East and West
America, did in person present a deed of surrender
under their hands and seals, to her Majesty, and
acknowledge the same to be their act and deed, and
her Majesty accept the same, that it might be enrolled
of Chancery, whereby they did surrender their power
and government of those plantations: Which her Majesty
and was pleased to order as it is hereby ordered,
enrolled in her Majesty's said High Court of Chancery,
did surrender their power of the Government of the same,
which her Majesty graciously accepted and was pleased
it is hereby ordered, that the same be enrolled in her
High Court of Chancery, and the said instruments
to Mr. Attorney General, who is to take care that they be
enrolled accordingly.

A true copy.

11

Examined the foregoing copy with the entry, register
book, in the office of his Majesty's privy Council,
and found the same to contain a true copy.

JAMES

...the said river called Hudson's river, ...the side of Connecticut river to the east ...all those several islands called or ...Vinyard, and Nantucks or Nan- ...lands, islands, soils, rivers, harbours, ...marshes, waters, lakes, fishings, ...and all other royalties, profits, com- ...the several islands, lands, and premises,

...ions of New Jersey." Leaming & Spicer.

...as well capital and criminal cases, as always in the said statutes, by the said Governor, but as near as might be agreeable to the said Government of the realm of England, his said Majesty, his heirs and assigns, should and might be lawfully touching, of the appeal and appeals of persons of, in or belonging to the territories and islands touching any judgment or sentence to be given, and further that it should and might be lawful for the Duke of York, his heirs and assigns, from time to time, should, ordain and confirm such laws as should be made, or names or stiles as to him or them shall seem good, revoke, discharge, change and alter as well all such laws, orders, officers and ministers, which then after should be thought fit or needful to be made or used within the said parts and islands; and also to make, ordain and establish such orders, laws, directions, instructions, forms and government and magistracy, fit and necessary for the said government of the Territories and islands aforesaid, or the same were not contrary to the laws and statutes of the said land, but as near as might be agreeable thereunto; and should at all times then after to put in execution or abrogate, revoke, not only within the precinct of the said Territories and islands, also upon the seas in going and coming to and from the said parts and islands, and they in their good direction should think to be for the good of the adventurers and inhabitants there. And the said Duke of York did thereby grant, ordain and declare, that such Governor and ministers as from time to time should be authorized and appointed in the manner and form aforesaid, should and might have full authority to use and exercise martial law in cases of rebellion and mutiny, in as large and ample manner as the said Duke of his said Majesty in his counties of the realm of England should have, by their commissions of lieutenancy, or by the *statute of the said realm of England*. And the said laws

...the said Letters Patents, and the said James Duke of
...and West Jersey, part
...granted, are by mean con-
...unto and vested in or
...Paul Dominique, Rob-
...Watts, Edward Richier,
...Whiting, John Willcocks, John
...Steel, Obediah Burnett, Joseph
...Benjamin Levy, Francis Minshall,
...Bennet, John Booker, Benjamin
...Harrison, John Jurin, Richard
...Francis Mitchell, Tracy Pounceford,
...Holland, William Dockwra, Peter
...Charles Ormston, Edward Antill,
...Hendcock, Thomas Barker, Thomas
...Forster, John Johnstone, David Lyell,
...Thomas, Thomas Gordon, John Barclay,
...Mellison, and Richard Hasel, the pres-
...they also have claimed, by virtue of the
...conveyances to exercise within the said
...the inhabitants thereof, all the powers
...not granted by the said Letters Patents

James Smith, John Wilcock, John Barker, John Harrison, John Jurin, Richard Greenway, Thomas Mitchell, Tracy Pamcoford, William Barker, William Doewra, Peter Scumans, Joseph Anthony, Edward Anthill, George Wilcock, Thomas Barker, Thomas Cooper, Robert Burnett, John Johnston, David Lyell, Michael Hawdon, Thomas Gordon, John Barclay, Gilbert Mollison, Hasell, &c. the present Proprietors of the said Province of East Jersey, and West Jersey, for the consideration and to the use of our heirs, do surrender and yield up, and by these presents do surrender and yield up unto our said Majesty ANNE by the grace of God Queen of England, Scotland and Ireland, Defender of the Faith, &c. her heirs and assigns these the said powers and authorities to correct, punish, govern and rule all or any of her Majesty's subjects or others who are or inhabit or hereafter shall adventure into or inhabit the said Provinces of East Jersey, and West Jersey, or either of them; and also to nominate, make, constitute, ordain and confirm orders, ordinances and directions and instruments for or concerning any of them; and to nominate, constitute or appoint any Governor or Governors, or Ministers which are or shall be appointed, made or used within the said Provinces or either of them; and to make, ordain and confirm orders, laws, directions, instruments, forms or ceremonies of government and magistracy, for or concerning the government of the said Provinces aforesaid or either of them, or on the sea in going to or from thence, or to put in execution, or abrogate, amend or change such as are already made for or concerning such Provinces or any of them; and also all those the said powers and authorities to use and exercise martial law in the places aforesaid, and to admit any person or persons to trade or traffick, and of encountering, repelling and resisting by force any person or persons attempting to inhabit there without the consent of us the said Proprietors, our heirs and assigns, and

powers, authorities and privileges of or concerning the government of the Provinces aforesaid, or either of them to the inhabitants thereof, which were granted or mentioned to be granted by the said recited Letters Patents, and every of them. *In witness* whereof the persons above named have hereunto set their hands and seals this fifteenth day of April, in the year of our Lord one thousand seven hundred and two, and in the first year of her Majesty's reign.

For the Eastern Division

L. Morris, in behalf of Robert Burnett, Miles Forster, John Johnstone, Michael Hawdon, John Barclay, David Lyell, Thomas Warne, Thomas Gordon, Thomas Barker, Thomas Cooper, Gilbert Mollison, Henry Adderly, for Richard Hasel of Barbados. William Dockwra,	Peter Sonmans, Joseph Ormston, for myself, and as proxy for Charles Ormston, Edward Anthill, and George Willocks, and Representative of Francis Hancock, Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbank, E. Richier, Michael Watts, Clement Plumstead.
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For the Western Division

Benjamin Nellson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Michell, Francis Michell, Francis Paunceford, Wm. Hamond, Ferd. Holland, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collin, Thomas Lewis, Jo. Bennet,	John Booker, John Whiting, John Wilcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnett, Jos. Micklethwait, Thomas Lamb, Paul Dominique, Robert Michell, Jos. Brooksbanks, Michael Watts, E. Richier, John Norton, Eben. Jones.
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Sealed and delivered by Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbanks, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, John Bennett, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Pauncefort, William Hamond, Ferdinando Holland. And for the interest the

I hereby certify that this is a true copy from the original.

Witness my hand and seal, January 17, 1782.

SAMUEL GELLMAN, Secy.

**THE GRANT OF NEW ENGLAND TO THE
1676—EXEMPLIFIED BY QUEEN ANNE, 1704**

Anne, by the grace of God, of Great Britain, France and Ireland, Queen, Defender of the Faith, &c. To all to whom these letters shall come greeting: Know ye, that among the papers remaining in our Secretary's Office of our Province of New York, at our fort at New York, We have inspected the Patents granted unto his late Royal Highness James, Duke of York, deceased, which followeth in these words.

Charles the Second, by the grace of God King of England, France and Ireland, Defender of the Faith, &c. To all to whom these presents shall come greeting: Know ye, that by reason of divers good causes and considerations us thereunto moved, of our especial grace, certain knowledge, and meer motion, we have granted, and by these presents for us, our heirs and assigns, do give and grant unto our dearest brother James, Duke of York, his heirs and assigns, all that part of the main land of New York, beginning at a certain place called or known by the name of the Croix, next adjoining to New Scotland in America; and extending along the sea coast unto a certain place called

...shall be established; and in defect
...according to the good discretions of his
...or assigns respectively; as well in all
...criminal, as civil both marine and
...statutes, ordinances and proceedings be
...conveniently may be, agreeable to the
...of this our realm of England; and
...our heirs and successors, the receiving,
...the appeal and appeals of all or any
...belonging to the territories or islands

And we do further of our especial grace, certain knowledge, and full power, give and grant, ordain and declare, that such and so many of our loving subjects, as from time to time shall be authorized by the letters and form aforesaid, shall and may have full power, sole privilege to use and exercise marshall law in such manner as they shall think fit, in as large and ample manner as our counties within our realm of England have used to use, in times of their commission of lieutenancy, or any other time within our realm. And we do further by these presents, we, our heirs and successors, grant unto our said dearest brother, the Duke of York, his heirs and assigns, that it shall and may be lawful for the said James Duke of York, his heirs and assigns, by their discretion from time to time, to admit such and so many of our persons to trade and traffique unto and within the said islands and islands aforesaid, and into every or any part and parts thereof, and to have, possess and enjoy any lands or hereditaments, and places aforesaid, as they shall think fit, according to the orders, constitutions and ordinances by our said brother, his deputies, commissioners and assigns from time to time made, made and established by virtue of, and according to the full meaning of these presents; and under such conditions, covenants and agreements as our said brother, his heirs or assigns shall think fit, in order, direct and appoint and not otherwise as aforesaid. And we do further of our especial grace, certain knowledge, and full power, give and grant unto our said brother, his heirs and assigns, by these presents, that it shall and may be lawful to and for him, them or any of them, at any time and times hereafter, out of any our realms or dominions whosoever, to take, lead, carry and transport in and into the said islands and for and towards the plantations of our said brother, his heirs and assigns, all such and so many of our loving subjects, and strangers, being not prohibited or under restraint, that shall desire to accompany them in the said voyages; together with all their baggage, implements, furniture and other things usually transported.

...of the premises,
...progenitors, unto any
...public or corporate, or
...or imperfection whatso-
...alike; altho' express men-
...the premises, or any of them,
...by any of our progenitors or
...James Duke of York, in
...act, ordinance, provision,
...had, made, enacted, ordained
...or thing whatsoever to the
...withstanding. In witness whereof
...made patent. Witness ourself
...March, in the sixteenth year of

...presents we have caused to be
...we have caused our seal of our
...hereunto affixed. WITNESS our
...Hunter, Esq.; our Captain General
...Provinces of New York, New Jersey
...in America, and Vice Admiral
...New York, this thirtieth day of
...rign.

H. WILEMAN, *Dep. Scry.*

also the more effectually to secure the peace and tranquillity of the whole, that whole force in their own hands, and that the continental congress, the representatives of the colonies, has advised each of the colonies to adopt for themselves such measures as shall best conduce to their own happiness.

Extracted from "Acts of the General Assembly of the State of New Jersey, MDCCLXXXIV," pp. 111-112. Also, the Extracts from the Journal of Proceedings of the Assembly of New Jersey. Held at Trenton in the month of August, 1776. Published by order. Burlington: Printed by Joseph Justice, Printer, MDCCLXXV. Woodbury, N. J. Reprinted by Joseph Justice, Printer, 1835. pp. 241.

Journal of the Votes and Proceedings of the Convention begun at Burlington the Tenth of June 1776, and thence continued at Trenton and New Brunswick, to the Twenty-first of July 1776. To which is annexed, Sundry Ordinances, and the Constitution of the State. Burlington: Printed and sold by Isaac Collins, M.D.C.LXXVI. Reprinted by order. Joseph Justice, Printer. 1831.

* These grants embraced all the lands from the west side of the River to the east side of Delaware Bay.

† This grant was made by the Duke of York to Lord John George Carteret, two months before the expedition which he took to take possession of the territory, now the State of New Jersey, settled by the Dutch colonists of the New Netherlands.

‡ These "concessions," amended at different times, were the charters of the provinces of New Jersey, East Jersey, and West Jersey, and their successors surrendered their rights to the Crown, and the reunited province of New Jersey was thenceforth governed by the people ever insisting upon their rights as established in the charters until the Revolution.

* This constitution was framed by a convention which assembled at Trenton with the recommendation of the Continental Congress that the colonies should form independent State governments, and which met with closed doors, successively, at Burlington, Trenton, and New Brunswick, from May 26, 1776, until July 2, 1776, with intermissions. It was presented to the people, but its publication was ordered by the convention.

† The legislature of New Jersey amended this constitution September 17, 1776, by substituting the words "State" and "States" for "colony."

the well-being of America in general:—We, the representatives of the colony of New Jersey, having been elected by all the counties, in the freest manner, and in congress assembled, have, after mature deliberations, agreed upon a set of charter rights and the form of a Constitution, in manner following, viz.

I. That the government of this Province shall be vested in a Governor, Legislative Council, and General Assembly.

II. That the Legislative Council, and General Assembly, shall be chosen, for the first time, on the second Tuesday in August next; the members whereof shall be the same in number and qualifications as are herein after mentioned; and shall be and remain vested with all the powers and authority to be held by any future Legislative Council and Assembly of this Colony, until the second Tuesday in October, which shall be in the year of our Lord one thousand seven hundred and seventy-seven.

III. That on the second Tuesday in October yearly, and every year forever (with the privilege of adjourning from day to day as occasion may require) the counties shall severally choose one person, to be a member of the Legislative Council of this Colony, who shall be, and have been, for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds proclamation money, of real and personal estate, within the same county; that, at the same time, each county shall also choose three members of Assembly; provided that no person shall be entitled to a seat in the said Assembly unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate, in the same county: that on the second Tuesday next after the day of election, the Council and Assembly shall separately meet; and that the consent of both Houses shall be necessary to every law; provided, that seven shall be a quorum of the Council, for doing business, and that no law shall pass, unless there be a majority of all the Representatives of each body personally present, and agreeing thereto. Provided always, that if a majority of the representatives of this Province, in Council and General Assembly convened, shall, at any time or times hereafter, judge it equitable and proper, to add to or diminish the number or proportion of the members of Assembly for any county or counties in this Colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done; anything in this Charter to the contrary notwithstanding: so that the whole number of Representatives in Assembly shall not, at any time, be less than thirty-nine.

IV. That all inhabitants of this Colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers, that shall be elected by the people of the county at large.

V. That the Assembly, when met, shall have power to choose a Speaker, and other their officers; to be judges of the qualifications and elections of their own members; sit upon their own adjournments; prepare bills, to be passed into laws; and to empower their Speaker to

That the Governor, or, in his absence, the Vice-President of the Council, shall have the military command of the militia; and act as captain-general of the same; and other military force, and the arms of those of the Council shall, at all times, be at their disposal; and that the Governor be sworn to execute the laws of the Colony.

That the Governor and Council, (or, in his absence, the Vice-President of the Council) be the Court of Appeals, in the last resort, in all civil and criminal causes; and that they possess the power of pardon in all criminal cases, after condemnation, in all cases of capital offences.

That captains, and all other inferior officers of the militia, be chosen by the companies, in the respective counties; and that the military officers, by the Council and Assembly.

XI. That the Council and Assembly shall have the Great Seal of this Colony, which shall be kept by the Governor, or, in his absence, by the Vice-President of the Council; and that they shall use them as occasion may require: and it shall be called the Great Seal of the Colony of New-Jersey.

XII. That the Judges of the Supreme Court shall be chosen for seven years: the Judges of the Inferior Court, for five years: the Justices of the Peace, Clerks of the Court, Clerks of the Inferior Court of Common Pleas, Sessions, the Attorney-General, and Provincial Secretary, shall continue in office for five years: and the Provincial Treasurer shall continue in office for one year; and that they shall be appointed by the Council and Assembly, in manner aforesaid, and by the Governor, or, in his absence, the Vice-President of the Council. Provided always, that the said officers, severally, shall be re-appointed, at the end of the terms severally; and that any of the said officers shall be liable to be removed, if adjudged guilty of misbehaviour, by the Council, or by the Assembly.

shall destroy their own
souls, but shall descend in the
fire, and such persons died in the
service of their country on any occasion accidentally
became a deadand, or in any way

within this Colony, be deprived
of worshipping Almighty God in a
free and open conscience; nor, under
any pretext, to attend any place of worship,
or to pay tithes, taxes, or any other rates,
for the maintenance of any minister
or church, who believes to be right, or has deliber-
ately refused to perform.

the establishment of any one religious
sect over another; and that no Protestant
shall be denied the enjoyment of any civil
rights on religious principles; but that all
of the faith of any Protestant sect, who
shall be elected into any office of profit

of trial by jury shall be taken away from any person in this Colony, without repeat, consent of the people.

ARTICLE III. That every person, who shall be elected a member of the Legislative Council, or Assembly, previous to his taking his seat in Council or Assembly, shall swear or affirmation, viz:

I, A. B., do solemnly declare, that, as a member of the Legislative Council, [or Assembly, as the case may be] of New Jersey, I will not assent to any law, vote on any bill, or shall appear to me injurious to the public welfare, which shall annul or repeal that part of the third article of this Colony, which establishes, that the elections of the Legislative Council and Assembly shall be according to the twenty-second section in said Charter, respecting jury, nor that shall annul, repeal, or alter any part of the eighteenth or nineteenth sections of the same."

And any person or persons, who shall be elected, shall be hereby empowered to administer to the said members the said affirmation.

Provided always, and it is the true intent and meaning of this Congress, that if a reconciliation between Great-Britain and the Colonies should take place, and the latter be taken under the protection and government of the crown of Britain, this Act shall be null and void—otherwise to remain firm and in full force.

In Provincial Congress, New Jersey,
Burlington, July 2, 1776.
By order of Congress.

SAMUEL TUCKER

WILLIAM PATTERSON, *Secretary*.

CONSTITUTION OF NEW JERSEY—1844 * ^a

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this CONSTITUTION:

ARTICLE I**RIGHTS AND PRIVILEGES**

1. All men are by nature free and independent, and have certain natural and inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshiping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretence whatever, to be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses,

* Verified from "The Constitution of the State of New Jersey. Trenton, N. J. MacCrellish & Quigley, State Printers. 1906." 32 pp. Official edition.

^a This constitution agreed upon by the delegates of the people of New Jersey, in convention begun at Trenton on the fourteenth day of May, and continued to the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, ratified by the people at an election held on the thirteenth day of August, A. D. 1844, and amended at a special election held on the seventh day of September, A. D. 1875, and at another special election held on the twenty-eighth day of September, A. D. 1897. See Appendix.

10. No person shall, after arrest, be held in custody for capital offenses, when the proof is not sufficient to justify a trial.

11. The privilege of the writ of Habeas Corpus shall not be suspended, unless in case of rebellion or invasion, it may be necessary to preserve it.

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war in the manner prescribed by law.

14. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use without compensation; but land may be taken for public highway or for other public use, until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any case, nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. No county, city, borough, town, township or village shall give any money or property, or loan its money or property in aid of any individual association or corporation, or become for or be directly or indirectly the owner of any stock in any association or corporation.

20. No donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the use of any society, association or corporation whatever.

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

to be divided into three districts, and no person shall be chosen to either of these departments, who shall not have been a citizen and inhabitant of the county for which he shall be chosen; *provided*, that no person shall be chosen to either of these departments, who shall not have attained the age of twenty-one years.

Section 1. The powers of the government shall be vested in a senate and general assembly.

Section 2. The senate shall be composed of twelve members, who shall not have been a citizen and inhabitant of the county for which he shall be chosen; and no person shall be a senator who shall not have attained the age of twenty-one years; and no person shall be a senator who shall not have been a citizen and inhabitant of the county for which he shall be chosen; *provided*, that no person shall be a senator who shall not have attained the age of twenty-one years.

Section 3. The senate and general assembly shall be elected on the first Tuesday after the first Monday in

the next census of the United States shall be made, and an apportionment of members of the house shall be made by the legislature at its first session after every subsequent enumeration or census, and which shall continue until another enumeration shall have been made. Each county shall at all times be entitled to at least one member, and its number of members shall never exceed three.

SECTION IV

1. Each house shall direct writs of election for supplies occasioned by death, resignation, or otherwise; but if during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns, qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and shall from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, or to any other place than that in which the two houses may be sitting.

shall be entitled to
assembly; but, on being
considered vacant; and
the government of the
house.

shall originate in the house of
or concur with amendments, as

the treasury but for appropria-

not be directly or indirectly loaned

in any manner, create any debt or
State which shall, singly or in the
or liabilities, at any time exceed
for purposes of war, or to repel
invasion, or work, to be distinctly specified
the ways and means, exclusive of

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*schools for the instruction of all the children in
the ages of five and eighteen years.*

no person or individual any exclusive privilege.

no person or individual the right to

any civil or criminal cases.

and support of free public schools.

laws providing for the cases

for all other cases which, in its

general laws. The legislature

corporate powers, but they shall

corporations may be organized and

obtained, subject, nevertheless, to

the legislature.

taxes under general laws, and by

value.

SECTION VIII

shall, before they enter on the duties
and subscribe the following oath

I swear, as the case may be], that I will
the United States and the constitution of
and that I will faithfully discharge the
of the general assembly, as the case may
my ability."

by law. When a governor is to be elected, the election shall be held at the time when and at the place which shall respectively vote for members of the legislature. The governor shall hold his office for three years, to begin on the third Tuesday of January next ensuing the election of the people, and to end on the Monday preceding the Tuesday of January, three years thereafter; and the term of holding that office for three years next after his term shall have expired; and no appointment or nomination shall be made by the governor during the last week of his term.

4. The governor shall be not less than thirty years of age, shall have been, for twenty years, at least, a citizen of the United States, and a resident of this State seven years next preceding his election, unless he shall have been absent during that time on the business of the United States or of this State.

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military forces of the State; he shall have power to convene the legislature, the senate alone, whenever in his opinion public necessity requires; he shall communicate by message to the legislature at the beginning of each session, and at such other times as he may deem proper, the condition of the State, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the State, commissions to such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses of the legislature shall be presented to the governor; if he approve he shall sign it; if he disapprove he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large on the journal, and proceed to reconsider it; if, after such reconsideration,

any office of governor; and no person holding the government, shall be eligible to this State, his office of governor shall be elected by the government of this State or of the country in which he shall have been elected

administering the government, shall
of fines and forfeitures, and to
of a time not exceed-
but this power shall not extend to

in administering the government, the
of the court of errors and appeals, or
the governor, or person administering
may remit fines and forfeitures, and
in all cases except impeachment.

any civil officers under this State shall
be guilty of a misdemeanor in office during their con-
tinuance thereafter.

and emoluments of the office shall determine the senate, and in case of his death, resignation the speaker of the house of assembly, for the governor shall be elected and qualified; the governor shall be chosen at the next election

...of the chief justice, or in case of his death, absence, or impeachment, shall be elected and qualified. In case of a vacancy in the office of justice, or in case of his death, absence, or impeachment, shall be elected and qualified. In case of a vacancy in the office of justice, or in case of his death, absence, or impeachment, shall be elected and qualified.

ARTICLE VI

JUDICIARY

SECTION I

1. The judicial power shall be vested in a court of appeals in the last resort in all causes as heretofore; a court of impeachments; a court of chancery; a prerogative court; circuit courts, and such inferior courts as may be hereafter ordained and established by law. The legislature may alter or abolish, as they may require.

SECTION II

1. The court of errors and appeals shall consist of the justices of the supreme court, and six judges, or of them; which judges are to be appointed for six years. 2. Immediately after the court shall first assemble, shall arrange themselves in such manner that the seats shall be vacated every year, in order that thereafter one annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a *per diem* compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

SECTION III

1. The house of assembly shall have the sole power of impeaching, by a vote of a majority of all the members; and all impeachments shall be tried by the senate; the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence;" and no person shall be convicted without the concurrence of two-thirds of all the members of the senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honor, profit or trust under this State; but the party convicted shall, nevertheless, be liable to indictment, trial and punishment according to law.

4. The secretary of state shall be the clerk of this court.

SECTION IV

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary or surrogate general, and judges of the prerogative court.

3. All persons aggrieved by any order, sentence or decree of the orphans' court, may appeal from the same, or from any part thereof, to the prerogative court; but such order, sentence or decree shall not be removed into the supreme court, or circuit court if the subject-matter thereof be within the jurisdiction of the orphans' court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

SECTION V

1. The supreme court shall consist of a chief justice and four associate justices. The number of associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit courts shall be held in every county of this State, by one or more of the justices of the supreme court, or a judge appointed for that purpose, and shall, in all cases within the county except in those of criminal nature, have common law jurisdiction, concurrent with the supreme court; and any final judgment of a

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eral shall be nominated by the governor, and appo
the advice and consent of the senate.

shall hold their offices until they shall have received their salaries; but they shall not be diminished during their term of office; and they shall hold no other office in the United States.

The judges shall be appointed by the governor and the senate.

They shall hold their offices for five years; but when appointed to fill an unexpired term only.

The clerk shall be appointed by the governor and the senate.

They shall hold their offices for three years, and until their successors are appointed.

The attorneys of the pleas, clerk of the court of chancery, secretary of state and the reporter shall be nominated by the governor, and their appointment shall be confirmed by the advice and consent of the senate.

They shall hold their offices for five years.

The judges shall be appointed by the justices of the supreme court; and the chancery reporter shall be appointed by the governor and the senate.

They shall hold their offices for five years.

The justices of the peace shall be elected by the people at the annual elections for members of the general assembly.

They shall hold their offices for five years.

The justices shall be elected by the people of their respective counties for members of the general assembly, and shall hold their offices for three years, after which they shall be eligible for re-election.

by law, shall be nominated by the legislature, and shall be sworn and account of the moneys received and expended for the time prescribed by law. All civil officers elected or appointed under this constitution shall be commissioned by the governor, and the term of term of all officers elected or appointed under the provisions of this constitution, except judges, shall commence on the day of the next election; but no commission for any officer shall be issued after the expiration of the term of the incumbent of the same office.

ARTICLE VIII

GENERAL PROVISIONS

1. The secretary of state shall be *ex officio* auditor and controller of the accounts of the treasurer, and as such, it shall be his duty to report to the legislature in the annual examination and settlement of the accounts until otherwise provided by law.

2. The seal of the State shall be kept by the person administering the government, and used by him or her as he or she may be called the great seal of the State of New Jersey.

3. All grants and commissions shall be in the name and authority of the State of New Jersey, sealed with the great seal, and signed by the governor, or person administering the government, and countersigned by the secretary of state, and it shall be in the form of "_____, greeting." All writs shall be in the name of the State; and all indictments shall be in the following manner, viz., "against the peace of this State, and the honor and dignity of the same."

4. This constitution shall take effect and go into operation on the second day of September, in the year of our Lord one thousand eight hundred and forty-four.

from the change in the constitution, carry the same into complete operation, that—

all laws now in force, not repugnant to the constitution, shall remain in force until they expire by their own limitation, or are repealed by the legislature; all suits, actions, prosecutions, contracts, claims and demands of individuals, bodies corporate, and of the State, shall continue, and all indictments which may hereafter be found, for offenses committed before the adoption of this constitution, shall be tried as if no change had taken place. The powers and jurisdiction as if this con-

stitution had been in force, shall continue in all offices or appointments shall continue in force, according to their respective terms, unless by this constitution it is other-

9. The governor, members of the senate and the president and vice president of the senate shall be elected by the voters for a term of four years, and the election declared in the constitution shall be the election of sheriffs.

10. The election of clerks and surrogate shall be held at the term of office of the present incumbent, and the general election of eighteen hundred and ninety-seven, and the general election next ensuing the adoption of this constitution, the result of which election shall be according to the provisions provided by law for the election of sheriffs.

11. The elections for the year eighteen hundred and ninety-seven shall take place as now provided by law.

12. It shall be the duty of the governor to fill the vacancies happening between the adoption of this constitution and the session of the senate, and not otherwise provided for, and his commissions shall expire at the end of the first session, when successors shall be elected or appointed.

13. The restriction of the pay of members of the legislature shall continue for forty days from the commencement of the session, and shall continue to the first legislature convened under this constitution.

14. Clerks of counties shall be clerks of the inferior courts, common pleas and quarter sessions of the several counties, and shall perform the duties, and be subject to the regulations now provided by law until otherwise ordained by the legislature.

15. The legislature shall pass all laws necessary to carry out the provisions of this constitution.

STATE OF NEW JERSEY :

I, George Wurts, Secretary of State of the State of New Jersey, hereby certify the foregoing to be a true copy of the Constitution of the State of New Jersey as amended, as the same appears when compared with the original Constitution and the amendments now remaining on file in my office.

In testimony whereof, I have hereunto set my hand and official seal, this twenty-sixth day of October, A. D. 1897, and ninety-seven.

[L. S.]

...will pay to the State of Texas the sum of five millions of dollars in United States bonds, bearing five per cent interest, and of fourteen years, the interest payable to the Secretary of the United States.

Article Fifth. Immediately after the President of the United States shall have been furnished with an authentic copy of the resolution of the Legislature of Texas accepting these propositions, there shall be issued in favor of the State of Texas, in accordance with the fourth article of this agreement: *Provided*, that not more than five millions of said stock shall be issued, and that the State holding bonds and other certificates of indebtedness, on which duties on imports were specially pledged, shall not be released by the treasury of the United States for or on account of said bonds or certificates, until the form as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States. Nothing herein contained shall be construed to alter anything contained in the third article of the said act, or the "joint resolution for annexing Texas to the United States," passed March first, eighteen hundred and forty-five, either as to the number of States that may hereafter be formed out of Texas, or otherwise.

SEC. 2. *And be it further enacted*, That all the Territory of the United States bounded as follows, to-wit: from a point in the Colorado River where the boundary line of the Republic of Mexico crosses the same; thence eastward to the boundary line to the Rio Grande; thence following the course of said river to the parallel of the thirty-second degree of north latitude; thence east with said degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with said degree of longitude to the parallel of the thirty-second degree of north latitude; thence west with said parallel to the base of the Sierra Madre; thence south with the crest of the

And, in case of the death, removal, or necessary absence of the governor from the Territory, and he is hereby authorized and empowered to perform all the powers and duties of the office in his absence, or until another person is appointed to fill such vacancy.

Provided, That the legislative power and authority shall be vested in the governor and a legislative assembly shall consist of a council and representatives. The Council shall consist of members of the qualifications of voters as hereinafter provided, and their service shall continue two years. The assembly shall consist of twenty-six members, positions as prescribed for members of the assembly, and their service shall continue one year. An apportionment as nearly equal as practicable, among the

...of a tie between...
...order a new election to...
...thus elected...
...on such day...
...the time, place...
...by the people...
...in the several counties...
...representatives according to the...
...law, as well as the day of the...
...of the legislative assembly:
...the term of forty days.

And be it further enacted, That *pledged*
...above the age of twenty-one years, of *of*
...of said Territory at the time of the *bonds of*
...be entitled to vote at the first election, *Secretary of*
...office within the said Territory; but the *State*
...of holding office, at all subsequent elections,
...prescribed by the legislative assembly:
...suffrage, and of holding office, shall be exercised *some*
...the United States, including those recognized *to*
...treaty with the republic of Mexico, concluded *and*
...eighteen hundred and forty-eight.

Sec. 7. And be it further enacted, That the *the*
...Territory shall extend to all rightful subjects *own*
...ent with the Constitution of the United States *line*
...of this act; but no law shall be passed in *eastward*
...disposal of the soil; no tax shall be imposed upon
...the United States; nor shall the lands or other *tax*
...residents be taxed higher than the lands or other *tax*
...dents. All the laws passed by the legislative *On*
...shall be submitted to the Congress of the United *ralled*
...approved, shall be null and of no effect. *parallel*

Sec. 8. And be it further enacted, That all *of*
...county officers, not herein otherwise provided for,

[illegible]

...and the same shall be subject to the same laws as the laws of the United States for the present Territory. In addition, he shall be paid two hundred dollars for extra services.

And be it further enacted, That the chief justice and associate justices, attorney and secretary, to be appointed as aforesaid, shall, before they respectively take an oath or affirmation, before the chief justice of the peace in the limits of said Territory, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and the certificates shall be received and recorded by the governor among the executive proceedings; and the chief justice, associate justices, and all other civil officers in said Territory, as such, shall take a like oath or affirmation, before the governor or secretary, or some judge or justice of the peace, or some other who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted, by the person by whom the same, to the secretary, to be by him recorded as aforesaid. Afterwards, the like oath or affirmation shall be taken, and recorded, in such manner and form as may be prescribed.

The governor shall receive an annual salary of fifteen thousand dollars as governor, and one thousand dollars as superintendent of Indian affairs. The chief justice and associate justices shall receive an annual salary of eighteen hundred dollars. The attorney shall receive an annual salary of eighteen hundred dollars. The salaries shall be paid quarter-yearly, at the treasury of the United States. The members of the legislative assembly shall

That the governor of said Territory shall be entitled to the same number of votes as are enjoyed by the delegates from said Territory to the United States to the said Congress, and elections shall be held at such times and in such manner, as the governor of said Territory may determine; the times, places and manner of such elections shall be prescribed by the governor, and the number of votes shall be determined by the governor, and a certificate thereof shall be filed with the clerk of said Territory. That such delegate shall receive such compensation as is allowed by law to the delegate from said Territory.

That when the lands in said Territory are brought under the direction of the government of said Territory, in bringing the same into market, section six in each township in said Territory shall be hereby, reserved for the purpose of settling said Territory, and in the States and Territories out of the same.

That temporarily and until otherwise enacted, That temporarily and until otherwise enacted, the governor of said Territory may determine the number of judges who shall sit in said Territory, and assign the judges who shall sit in said Territory to the several districts, and also determine the times and places of holding courts in the several counties and judicial districts, by proclamation to the legislative assembly, at their first or any subsequent session, and may organize, alter, or modify such judicial districts, and alter the times and places of holding courts, as shall seem proper and convenient.

(See Oklahoma, p. 100)

1977
1978
1979
1980
1981
1982

...the rights and liberties of
...reduced them to the neces-
...congresses and committees, as
...longer than the grievances of
...And whereas the congress
...the thirty-first day of May now

...of this colony, by congress and
...former government, under the

...Provincial Congress, Provincial Convention
...of the State of New York, 1778,
...Thurlow Weed, printer to the State

...establish trading-posts on the Hudson River,
...between the Connecticut and the Delaware
...The government was vested in
...chartered in 1616, and then in "The
...in 1621.

...petitioned the "Lords States-General of
...sutable burgher government," such as
...adapted to this province, and resembling
...Netherlands, with certain permanent priv-
...might pursue "the trade of our country, as
...Nova to Cape Florida as to the West Indies
...shall be pleased to permit."

...Company resented this attempt to shake off
...and council at New Amsterdam: "We have
...at the many impertinences of some rest-
...might be shamed by our discreetness and
...all kindnesses do not avall, we must, therefore,

...to be...
...for foreign...
...of the good people of these colonies...
...irresponsible to reason and good...
...these colonies now to take the oath and...
...support of any government under the...
...it is necessary that the exercise of every kind...
...said Crown should be totally suppressed, and...
...government exerted under the authority of the...
...for the preservation of internal peace, virtue, and...
...for the defense of our lives, liberties, and...
...invasions and cruel depredations of our...
...Resolved, That it be recommended to the...
...conventions of the united colonies, where it...
...to the exigencies of their affairs has been...
...adopt such government as shall, in the opinion of...
...of the people, best conduce to the happiness and...
...stituents in particular, and America in general."

...have recourse to God, to Nature, and the Law. We...
...and command your Honors, whenever you shall certainly...
...destine Meetings, Conventicles, or machinations against...
...or that of our country, that you proceed against such...
...to their crimes."

These grants embraced all the lands between the...
...necticut River and the east bank of Delaware Bay. The...
...viously purchased, in 1663, the grant of Long Island and...
...New England coast, made in 1635 to the Earl of Stirling, and...
...an armed expedition, which took possession of New...
...thenceforth called New York. This conquest was confirmed...
...Breda, in July, 1667. In July, 1673, a Dutch fleet recaptured...
...held it until it was restored to the English by the treaty...
...February, 1674. The second grant was obtained by the Dutch...
...1674, to perfect his title. The original grants are in the...
...Library.

This constitution was framed by a convention which...
...Plains, July 10, 1776, and, after repeated adjournments and...
...terminated its labors at Kingston, Sunday evening, April...
...constitution was adopted, with but one dissenting vote. It...
...to the people for ratification. It was drafted by John Jay.

...resolutions is of the
...this colony:

...earnestly recommended to
...in the different coun-
...the same into execution."

...the said colony, in pursuance of
...special trust and confidence in the
...appointed, authorized, and em-
...and in the manner, and with the
...specified, declared, and mentioned.
...the United American States, in gen-
...the fourth day of July now last past,
...the words following, viz:

...human events, it becomes necessary for
...political bands which have connected them
...among the powers of the earth the sepa-
...the laws of nature and of nature's
...respect to the opinions of mankind re-
...are the causes which impel them to the

...be self-evident, that all men are created
...by their Creator with certain unalien-
...are, life, liberty, and the pursuit of
...these rights, governments are instituted

The history of the government is a history of repeated invasions of the rights of the people.

To prove this, let facts be submitted.

He has refused his assent to laws, the passage of which was necessary for the public good.

He has forbidden his governors to pass laws of great and urgent importance, unless suspended in their operation until the consent should be obtained; and when so suspended, he has neglected to attend to them.

He has refused to pass other laws for the execution of the laws of the districts of people, unless those people would send representatives in the legislature; a right, inalienable to tyrants only.

He has called together legislative bodies at unusual times, in unusual places, and distant from the depository of the public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, without any firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to call others to be elected, whereby the legislative powers, essential to the security of the State, have returned to the people at large, the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of this State, by that purpose obstructing the laws for naturalization, and by refusing to pass others to encourage their migration, and by raising the conditions of new appropriations of land.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, in the appointment of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

...captured captive on the high
...to become the executioners
...themselves by their hands.
...amongst us, and has en-
...of our frontiers the merciless
...of warfare is an undistinguished
...traditions.

...we have petitioned for redress
...repeated petitions have been an-
...A prince whose character is thus
...define a tyrant, is unfit to be the

...attentions to our British brethren.
...to time of attempts by their legis-
...jurisdiction over us. We have
...of our emigration and settle-
...to their native justice and magnanim-
...by the ties of our common kindred
...which would inevitably interrupt our
...They too have been deaf to the
...guinity. We must therefore acquiesce
...our separation, and hold them as we
...in war; in peace, friends.

...the people of this State, doth ordain, determine, and establish, that the same, and will, at the risk of our lives and fortunes, and the other colonies in supporting it, and by virtue of which several acts, declarations, and resolutions, and contained in the afore-cited petition, and in the General Congress of the United American States, and in the sessions or conventions of this State, all power, authority, and jurisdiction, reverted to the people thereof, and this convention, by the suffrages and free choice been appointed, and is hereby authorized to institute and establish such a government as shall be best calculated to secure the rights and liberties of the people of this State, most conducive of the happiness of their constituents in particular, and of America in general.

I. This convention, therefore, in the name and by the authority of the good people of this State, doth ordain, determine, and establish, that no authority shall, on any pretence whatsoever, be exercised by the people or members of this State but such as shall be authorized and granted by them.

II. This convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and establish, that the supreme legislative power within this State shall be vested in two separate and distinct bodies of men; the one to be called the Assembly of the State of New York, the other to be called the Senate of the State of New York; who together shall form the Legislature of the State, and shall meet once at least in every year for the despatch of business.

III. And whereas laws inconsistent with the spirit of the constitution, or with the public good, may be hastily and unadvisedly passed. Be it ordained, that the governor for the time being, the judges of the supreme court, or any two of them, or the governor, shall be, and hereby are, constituted a council, to whom all bills about to be passed into laws by the legislature shall be presented, and shall assemble themselves from time to time, and the legislature shall be convened; for which, nevertheless,

of seven years (subsequent to 1821) as may be a census of the electors taken, under the direction of the legislature, it shall appear that the number of electors in the said counties is not justly proportioned in the said counties respectively,

by the legislature under this constitution to the electors. The council of revision objected to the constitution which seventeen were passed notwithstanding

government.

constitution was taken in 1790. there were 1821.—Hough.

shall be made of voting by ballot aforesaid, if it shall be found to be conducive to the safety or interest of the State, or if, being *viva voce*, it shall be lawful and reasonable for the said houses to abolish the same, provided two-thirds of the members of each house, respectively, shall concur in the same. And, during the continuance of the present session of the Legislature of this State shall provide for the election of representatives in assembly by ballot, the said *viva voce*.

VII. That every male inhabitant of full age, who has actually resided within one of the counties of this State immediately preceding the day of election, shall be entitled to vote for representatives of the said assembly, if, during the time aforesaid, he shall have been holding a freehold of the value of twenty pounds, or shall have rented a tenement therein of the yearly value of ten pounds, and been rated and actually paid taxes to the said county *always*, That every person who now is a freeman of the city of Albany, or who was made a freeman of the city of Albany before the fourteenth day of October, in the year

^a See amendments.

^b The first act under this clause was passed March 27, 1778, which introduced the practice of voting by ballot for governor and lieutenant-governor, and retained the *viva voce* method for senators and assemblymen. On May 13, 1787, the mode of voting by ballot for the latter was introduced. Boxes containing the ballots for governor, lieutenant-governor, and assemblymen, returned by the sheriffs to the secretary of state, to be examined by a committee of the legislature, until March 27, 1799, when the mode of *canvassing* by local wards was introduced.—Hough.

That the number of electors of the said districts, qualified to vote, be as following, to wit: in the southern district, six; in the western district, six; in the eastern district, six. And be it ordained, that a census be taken after the expiration of seven years after the last war, under the direction of the Governor, it shall appear that the number of electors apportioned to the several districts, that the number of electors, as near as may be, to the number of electors aforesaid, in each district. That no person residing within any of the said districts, shall be entitled to vote for any part of the whole number of electors, unless he shall be found to be in this State, and shall be chosen by the electors of such district. That the number of senators to be chosen aforesaid shall be sufficient to proceed upon business;

Arrangement of senatorial districts was made Feb-
ruary 17, 1815.—Hough.

XVI. It is nevertheless provided, that the number of senators shall never exceed one hundred, nor the number of representatives shall exceed three hundred, but that whenever the number of senators shall be increased, or of the assembly to three hundred, the legislature shall, from time to time, for the purpose, apportion and distribute the said three hundred representatives among the good people of this State, in proportion to the number of freeholders, so that the representation of the good people of the senate and assembly, shall forever remain in equal quota.*

XVII. And this convention doth further, in the authority of the good people of this State, to declare that the supreme executive power and the seat of government shall be vested in a governor; and that statedly, for years, and as often as the seat of government shall be vacated, a wise and discreet freeholder of this State shall be elected governor, by the freeholders of this State, qualified, to elect senators; which elections shall be at the same times and places of choosing representatives in each respective county; and that the person who hath the greatest number of votes within the said State shall be governor thereof.

XVIII. That the governor shall continue in office for years, shall, by virtue of his office, be general and commander in chief of the militia, and admiral of the navy of this State; and shall have power to convene the assembly and senate on extraordinary occasions, to prorogue them from time to time, provided such

* See amendment.

shall continue in his command until he shall be removed by sea and land.

There shall be administered by the assembly, to attend as president of the senate, to elect one of their own members of the senate, which he shall exercise in case of vacancy of the office of governor. If he shall be impeached, displaced, resign, or die, the president of the senate shall, in the interim, administer the government, until he shall be elected by the suffrage of the people, at the suc-

cessor shall further, in the name and by the authority of this State, ordain, determine, and appoint. This State shall be appointed by act of the assembly: *Provided*, that he shall not be a member of the legislature.

Other than those who, by this constitution, shall be appointed, shall be appointed in the manner following: The assembly shall, once in every year, openly elect the senators from each great district, and a council for the appointment of the said governor for the time being, or the lieutenant-governor of the senate, when they shall respectively be president and have a casting vote. This shall be with the advice and consent of the said

of the county courts, and all other officers, heretofore eligible, shall always continue to be so eligible, in the manner directed by the present or future acts of legislature. That loan officers, county treasurers, and clerks, shall continue to be appointed in the manner directed by the future acts of the legislature. That Delegates to represent this State in the Congress of the United States of America be annually elected, as follows, to wit: The senate and assembly shall each elect as many persons as shall be equal to the whole number to be appointed; after which nomination they shall be Delegates, and those persons named in both lists shall be Delegates.

XXIX. That town clerks, supervisors, assessors, collectors, and all other officers, heretofore eligible, shall always continue to be so eligible, in the manner directed by the present or future acts of legislature.

That loan officers, county treasurers, and clerks, shall continue to be appointed in the manner directed by the future acts of the legislature.

XXX. That Delegates to represent this State in the Congress of the United States of America be annually elected, as follows, to wit: The senate and assembly shall each elect as many persons as shall be equal to the whole number to be appointed; after which nomination they shall be Delegates, and those persons named in both lists shall be Delegates.

...of the said colony, shall henceforth be
established by this constitution for the said
State, until otherwise directed by the legislature
of this State.

XXXVII. And whereas it is of great importance
to this State that peace and amity with the Indians
be at all times supported and maintained; and whereas
often practised towards the said Indians, in certain
lands, have, in divers instances, been productive of
contents and animosities: Be it ordained, that all
contracts for the sale of lands, made since the fourteenth
in the year of our Lord one thousand seven hundred
or which may hereafter be made with or of the said
the limits of this State, shall be binding on the
deemed valid, unless made under the authority
of the legislature of this State.

XXXVIII. And whereas we are required, by the
principles of rational liberty, not only to expel civil
guard against that spiritual oppression and intolerance
the bigotry and ambition of weak and wicked
have scourged mankind, this convention doth further

And further, that the legislature of this State shall, in every county in this State, ordain, determine, and institute, in the name and by the authority of the good people of this State, a court of which it hath heretofore been accustomed to hold, and which shall be established and remain in force, and no act of attainder shall be passed by the legislature, other than those committed in the present war; and that such acts shall be void. And further, that the legislature of this State, institute any new court or courts, conforming to the course of the common law. And further, in the name and by the authority of this State, ordain, determine, and institute, in the discretion of the legislature to naturalize, in such manner, as they shall think proper: persons so to be by them naturalized, as citizens, and out of the United States of America, to in and become subjects of this State,

at \$10 per annum by the act of April 3, 1778, &c.—*Hough.*

And further, that the legislature of this State, institute any new court or courts, conforming to the course of the common law. And further, in the name and by the authority of this State, ordain, determine, and institute, in the discretion of the legislature to naturalize, in such manner, as they shall think proper: persons so to be by them naturalized, as citizens, and out of the United States of America, to in and become subjects of this State, &c.—*Hough.*

the same, and will, the rest of the
the other colonies supporting it.
of which several fore-mentioned
and the power
one and this country
the legislature at their next
members of the
as nearly as may be,
shall found to be in each
taken in the present year.

III. That from the first Monday in July
senators shall be permanently thirty-two,
of senators shall be reduced to thirty-two in
that is to say: The seats of the eleven
class, whose time of service will expire on
next, shall not be filled up; and out of the
one senator from the middle district and of

* See "Journal of the Convention of the State of New York
at the city of Albany on the 13th Day of October, 1801,"
John Barber, Printer to the Convention, MDCCCL." page 10

* The custom of naturalizing aliens by special act was
colonial general assembly in 1717, and was continued
until the adoption of the Federal Constitution in 1787.
right to hold land upon declaring an intention to become
by special act until 1825, when a general law for this
Hough.

† These amendments were framed by a convention which
October 13, 1801, and terminated its labors October 27,
submitted to the people for ratification.

verthelens

of the State of New York, acknowledging with
the assistance of God in permitting us to make
this constitution, do establish this constitution.

A. Burr, President.

NEW YORK—1821 * *

of New York, acknowledging with
the assistance of God in permitting us to make
this constitution, do establish this constitution.

Proceedings of the Convention of the State
in the City of Albany, on the 28th day of
New York: Printed by J. Seymour, 49 John

of the State of New-York. Begun and held at
on the twenty-eighth Day of August, 1821.
Leake, Printers to the State. 1821." pp. 564.
and Debates of the Convention of 1821, assem-

The first district shall consist of the counties of Albany, Rensselaer, and New York.

The second district shall consist of the counties of Dutchess, Ulster, and Columbia.

The third district shall consist of the counties of Albany, Rensselaer, Schoharie, and Chenango.

The fourth district shall consist of the counties of Montgomery, Hamilton, Washington, Warren, and Saint Lawrence.

The fifth district shall consist of the counties of Madison, Oswego, Lewis, and Jefferson.

The sixth district shall consist of the counties of Chenango, Broome, Cortland, Tompkins, and Sullivan.

The seventh district shall consist of the counties of Cayuga, Seneca, and Ontario.

The eighth district shall consist of the counties of Livingston, Monroe, Genesee, Niagara, Erie, Allegany, and Chautauque.

And as soon as the senate shall meet, after the first election held in pursuance of this constitution, they shall be divided by lot into four classes of eight senators each; the first district shall have one senator of each class; the second, third, fourth, fifth, sixth, seventh, eighth, and ninth, numbered one, two, three, and four. And the seats of the first class shall be vacated at the end of the first year; of the second class, at the end of the second year; of the third class, at the end of the third year; and of the fourth class, at the end of the fourth year.

bled for the purpose of amending the Constitution of the State, containing all the official Documents, relating to the same, on any matter. By Nathaniel H. Carter and William L. Gould, Stenographers. Albany: Printed and Sold by E. Hosford. 1821." pp. 659-670.

* This constitution was framed by a convention which met on August 28, 1821, and completed its labors November 10, 1821. In February, 1822, receiving 74,732 votes against 41,402 votes.

shall have passed the senate and assembly
be presented to the governor; if he ap-
proves it, he shall return it with his ob-
jections; if not, he shall return it with his ob-
jections, and it shall have originated; who shall
record on their journal, and proceed to recon-
sideration two-thirds of the members
approve the bill, it shall be sent, together with the
report, by which it shall likewise be reconsid-
ered two-thirds of the members present, it shall
be passed. In such cases the votes of both houses shall

shall continue to hold the same until the year one thousand eight hundred and twenty-three, and then until the year one thousand eight hundred and twenty-four.

ARTICLE II

Section 1. Every male citizen of the age of twenty-one years, who shall have been an inhabitant of this State for three years next preceding the election, and for the last six months a resident of the town or county where he may offer his vote; and shall have, for the year next preceding the election, paid a tax to the town or county where he resides upon his real or personal property; or shall have been exempted from taxation; or being armed and equipped as a soldier, shall have performed within that year military duty in the army or militia of this State; or who shall be exempted from performing military duty on the consequence of being a fireman in any city, town or village of this State; and also, every male citizen of the age of twenty-one years, who shall have been, for three years next preceding the election, an inhabitant of this State; and for the last year a resident of the town or county where he may offer his vote; and shall have, for the last year, assessed to labor upon the public works of the State, or have performed the labor, or paid an equivalent therefor by law, shall be entitled to vote in the town or ward where he resides, and not elsewhere, for all officers that may be elected, or may be, elective by the people;* but no man of color, who shall not have been for three years a citizen of this State, and for the year next preceding any election shall be seized and possessed of real estate of the value of two hundred and fifty dollars, above all debts and incumbrances charged thereon.

* See amendment.

governor shall be elected at the same time and place as the members of the legislature. The number of votes for governor shall be equal to the number of votes for governor or lieutenant-governor of the legislature shall, by persons so having an equal and number of votes for governor or lieutenant-governor. He shall be general and commander-in-chief of the navy of the State. He shall have the right to (for the senate only) on extraordinary occasions communicate by message to the legislature of the State, and recommend such measures as he may deem expedient. He shall transact all business of government, civil and military. He shall see that the laws are faithfully executed. He shall receive for his services a compensation which shall not be diminished during the term for which

he shall have power to grant reprieves and pardons for all offences, except treason and cases of impeachment. For treason, he shall have power to grant reprieve, until the case shall be reported to the legislature, when the legislature shall either pardon the criminal, or grant a farther

removal of the governor, or his removal from office, or absence from the State, the powers and duties shall devolve upon the lieutenant-governor or until the governor absent or impeached

Sec. 2. The governor shall nominate and appoint all major generals, lieutenants-general, and adjutant-general, except the adjutant-general. The adjutant-general shall be appointed by the legislature.

Sec. 3. The legislature shall by law direct the election of militia officers, and of certifying their commissions.

Sec. 4. The commissioned officers of the militia shall be appointed by the governor, and no commissioned officer shall be removed from office, unless by the senate on the recommendation of the governor, stating the grounds on which such removal is required, or by the decision of a court-martial, pursuant to the provisions of the constitution. The commissioned officers of the militia shall hold their commissions until removed as before provided.

Sec. 5. In case the mode of election and appointment of officers, hereby directed, shall not be found conducive to the improvement of the militia, the legislature may abolish the same, and by law for their appointment and removal, if a majority of the members present in each house shall concur thereon.

Sec. 6. The secretary of state, comptroller, treasurer, attorney-general, surveyor-general, and commissary-general shall be appointed as follows: The senate and assembly shall each appoint one person for the said offices respectively; after which the two bodies shall meet together, and if they shall agree in their nomination, the person so nominated shall be appointed to the office for which he was nominated. If they shall disagree, the appointment shall be made by the joint ballot of the senators and members of assembly. The term of office shall be chosen annually. The secretary of state, attorney-general, surveyor-general, and commissary-general shall hold their offices for three years, unless sooner removed by resolution of the senate and assembly.

...shall have notice of the opportunity of being heard in his

...including the register and New York, shall be chosen by the ... in every three years, and as ... shall hold no other office, ... years after the termination of ... by law to renew their security ... of giving such new security, their ... but the county shall never be made ... sheriff; and the governor may remove ... at any time within the three years ... giving to such sheriff, clerk, or register ... and an opportunity of being heard ... shall be made.

...except those whose appointment ... section, shall be appointed by the ... are clerks; and district attorneys ... of courts and district attorneys shall ... unless sooner removed by the courts

...all the cities in this State shall be ap-
...councils of the respective cities."
...as the legislature may direct, not ex-
...shall be elected in the same manner as

See amendment.

Sec. 15. All officers heretofore elected by the people shall be elected; and all other officers whose offices are created by law, shall be elected by the people, or by law be directed.

Sec. 16. Where the duration of any office is not provided by the constitution, it may be declared by law; and if no law shall be made, the office shall be held during the pleasure of the appointing authority.

ARTICLE V

SECTION 1. The court for the trial of impeachments shall consist of the president of the Senate, the chief justice of the Supreme Court, the chancellor, and the justices of the Supreme Court, a majority of whom shall be present; but when an impeachment shall be brought against the chancellor, or any justice of the Supreme Court, the impeached shall be suspended from exercising his office until acquitted; and when an appeal from a decree in chambers shall be brought, the chancellor shall inform the court of the reasons for the decree, but shall have no voice in the final sentence; and when an appeal shall be brought, on a judgment of the Supreme Court, the chief justice of that court shall assign the reasons for their judgment, and the justices shall have a voice for its affirmance or reversal.

SEC. 2. The assembly shall have the power of impeaching any officers of this State for mal and corrupt conduct in office, or for crimes and misdemeanors; but a majority of the members elected shall concur in an impeachment. Before an impeachment, the members of the court shall take an oath to be truly and impartially to try and determine the charges according to evidence; and no person shall be convicted unless by the concurrence of two-thirds of the members present. The cases of impeachment, shall not extend farther than to the

all officers, executive and judicial, shall, by law be exempted, shall, before entering their respective offices, take and subscribe

an oath, as the case may be] that I will support the United States, and the constitution thereof, and that I will faithfully discharge the duties of my office according to the best of my ability." No oath, or test shall be required as a qualification for trust.

ARTICLE VII

No citizen of this State shall be disfranchised or deprived of the privileges secured to any citizen thereof, without the judgment of his peers. No law shall be made in all cases in which it has been heretofore made; and no new court shall be created; all shall proceed according to the course of the courts of equity as the legislature is herein

Sec. 7. The person shall be held to answer for a criminal offense, (except in cases of impeachment,) when in actual service, and the land which this State may keep, with the peace, and in cases of petit larceny, and the legislature,) unless on presentment or indictment in every trial on impeachment or indictment shall be allowed counsel as in civil actions. No person shall, for the same offence, to be twice put in jeopardy; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without process of law; nor shall private property be taken without just compensation.

Sec. 8. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the truth; and no law shall be passed to restrain or abridge the right of speech, or of the press. In all prosecutions or indictments the truth may be given in evidence to the jury; and it shall be the duty of the jury to determine whether the matter charged as libellous is published with good motives and for justifiable ends, and if so, the defendant shall be acquitted; and the jury shall have the right to determine the fact.

Sec. 9. The assent of two-thirds of the members of each branch of the legislature shall be requisite to every bill which appropriates the public moneys or property for local or private purposes, creating, continuing, altering, or renewing any body corporate.

Sec. 10. The proceeds of all lands belonging to this State, and such parts thereof as may be reserved or appropriated

the interest of the money paid, and the legislature shall have the right to sell any lands belonging to this State, nor shall any contract may be necessary or convenient for the communications, or any part of the same, be and remain the property of this State.

And the legislature shall be authorized in this State; and shall prevent the sale of all lottery-tickets and lotteries already provided for by law.

And the legislature shall be authorized for the sale of lands in this State on the first day of October, one thousand seven hundred and eighty-eight, which may hereafter be made, of or with the same, shall be valid, unless made under the authority of the legislature.

And the common law, and of the acts of the legislature of New York, as together did form the law of this State on the nineteenth day of April, one thousand seven hundred and eighty-eight, and the resolutions of the congress of the State of New York, in force on the nineteenth day of April, one thousand seven hundred and eighty-eight, are not since expired, or been repealed or

* See amendment.

any proposed amendment of the constitution shall be printed in the journals, with the year and date when presented to the legislature then next to be chosen, and shall be printed in the papers published within the State, at least three months previous to the time of meeting of the legislature next chosen as aforesaid. No amendment shall be agreed to by two-thirds of the members of each house, then it shall be the duty of each house to submit such proposed amendment or amendments in such manner and at such time as the legislature of the people shall approve and ratify such amendments by a majority of the electors qualified to vote at the legislature, voting thereon, such amendments shall become part of the constitution.

ARTICLE IX

SECTION 1. This constitution shall be in force on the first day of December, in the year one thousand eight hundred and twenty-two. But all those parts of the same which relate to the division of the State into senate districts; the number of the assembly to be elected, in pursuance of the apportionment of members of assembly; the time directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two; the members of the present legislature in office until the first day of January, in the year one thousand eight hundred and twenty-three; the prohibition against authorizing lotteries; the prohibition against appropriating the public moneys or property for any other purpose, or creating, continuing, altering, or renewing any debt, or corporate, without the assent of two-thirds of the

Dr. Thompson, President.

CONSTITUTION OF 1821*

(Chapters 6, 7, 8, 1826)

in their several towns shall, at their
as the legislature shall direct,
the peace, and the justices so elected
thereafter meet together, and, in pres-
clerk of the said town, be divided by
each class, and be numbered one, two,
of number one shall expire at the end
at the end of the second year, of num-
third year, and of number four at the end
that one justice may thereafter be annu-
of the seventh section of the fourth
this State as is inconsistent with this

New York, as adopted in Convention, Oct. 9,
to the People; together with the Present
by James S. Burnton, 274 Bowery. Albany:
& Cook, Printers to the Convention. 1846."

in which city the mayor shall be elected, shall be qualified to vote for the other mayors, and at the time of the election of such other mayors.

(Ratified November, 1893.)

V. Whenever a sufficient amount of money has been safely invested for the reimbursement of such sums as have been paid of the money borrowed for the construction of the Champlain Canals, the tenth section of the constitution of this State, as far as it relates to the manufacture of salt and the amount of duty to be sold at auction, shall cease and determine, and thereafter sold at auction, excepting therefrom the sum of five hundred dollars, otherwise appropriated. On the fifteenth of April, one thousand eight hundred and ninety-four, duties on the manufacture of salt shall be restricted.

(Ratified November, 1893.)

VI. Mayors of the several cities in this State shall be annually elected by the male inhabitants entitled to vote in the common councils of such cities respectively, in the manner the legislature shall by law provide, and the legislature may from time to time, make such provision by law for the election of more such mayors; but until such provision be made, the mayors (excepting the mayor of the city of New York) shall be appointed in the manner now provided by the constitution.

shall be disfranchised, or
the privileges secured to any citizen
shall be taken away, or the judgment of his peers.
In all cases in which it has been hereto-
fore so, forever. But a jury trial may be
denied in cases in the manner to be prescribed

and enjoyment of religious profession
and opinion, or preference, shall forever
be secured to all mankind; and no person shall be
compelled to be a witness on account of his opinions
or religious faith; but the liberty of conscience hereby
secured as to excuse acts of licentiousness,
inconsistent with the peace or safety of this

1846 verified from "The Constitution of the
State of New-York, as amended by a Convention, Oct. 9, 1846, New-York: Pub-
lished by J. Bowery. Albany: From the Steam Press of
the Convention. 1846." 30 pp.
It was submitted to the people in November,
1846, and received 92,528 to 92,436.

Sec. 7. No man's private property shall be taken from him without compensation to be made therefor by the State, shall be assessed, but when three commissioners appointed by law shall be prescribed by law. Private roads shall be prescribed by law; but in every case the amount of all damage to be sustained shall be first determined by a jury of freeholders together with the expenses of the proceedings, to be benefitted.

Sec. 8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or punish for libels, the truth may be given in evidence; if it shall appear to the jury, that the matter published is true, and was published with good motives and for good ends, the party shall be acquitted; and the jury shall determine the law and the fact.

Sec. 9. The assent of two-thirds of the members of each branch of the Legislature, shall be requisite to appropriate the public moneys or property for local or special purposes.

Sec. 10. No law shall be passed, abridging the right of the people peaceably to assemble and to petition the government thereof, nor shall any divorce be granted, nor shall any judicial proceedings, nor shall any lottery be organized or any sale of lottery tickets allowed within the State.

Sec. 11. The People of this State, in their right of property, are deemed to possess the original and ultimate title to all lands within the jurisdiction of the State; and any title to which shall fail, from a defect of heirs, shall revert to the people.

Sec. 12. All feudal tenures of every description, and all incidents, are declared to be abolished, saving however the right of

services certain which at any time heretofore have been lawfully created or reserved.

SEC. 13. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners according to the nature of their respective estates.

SEC. 14. No lease or grant of agricultural land, for a longer period than twelve years, hereafter, made in which shall be reserved any rent or service of any kind, shall be valid.

SEC. 15. All fines, quarter sales, or other like restraints upon alienation reserved in any grant of land, hereafter to be made, shall be void.

SEC. 16. No purchase or contract for the sale of lands in this State, made since the fourteenth day of October one thousand seven hundred and seventy-five; or which may hereafter be made, of, or with the Indians, shall be valid, unless made under the authority, and with the consent of the Legislature.

SEC. 17. Such parts of the common law, and of the acts of the Legislature of the colony of New-York, as together did form the law of the said colony, on the nineteenth day of April one thousand seven hundred and seventy-five, and the resolutions of the Congress of the said colony, and of the Convention of the State of New-York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated; and the Legislature, at its first session after the adoption of this Constitution, shall appoint three commissioners, whose duty it shall be to reduce into a written and systematic code the whole body of the law of this State, or so much and such parts thereof as to the said commissioners shall seem practicable and expedient. And the said commissioners shall specify such alterations and amendments therein as they shall deem proper, and they shall at all times make reports of their proceedings to the Legislature, when called upon to do so; and the Legislature shall pass laws regulating the tenure of office, the filling of vacancies therein, and the compensation of the said commissioners; and shall also provide for the publication of the said code, prior to its being presented to the Legislature for adoption.

SEC. 18. All grants of land within this State, made by the King of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this Constitution shall affect any grants of land within this State, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this State, or by persons acting under its authority, or shall impair the obligation of any debts contracted by this State, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of actions, or other proceedings in courts of justice.

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shall remain unaltered until the next enumeration, and shall at all times consist of counties, and shall be divided in the formation of a district, every county shall be equitably entitled to two members of the Assembly. Sec. 6. The members of Assembly shall be chosen from several counties of this State, by the Legislature, according to the number of their respective inhabitants, aliens, and persons of color not taxed, and shall be divided into districts.

The several boards of supervisors in each county are now entitled to more than one member of Assembly on the first Tuesday of January next, and shall divide the counties into Assembly districts equal to the number of members of Assembly to which such counties are now entitled, and shall cause to be filed in the offices of the clerk and the clerks of their respective counties, a description of the districts, specifying the number of each district, and the number thereof, according to the last preceding State enumeration as can be ascertained. Each assembly district shall contain, as may be, an equal number of inhabitants, excluding persons of color not taxed, and shall consist of contiguous territory; but no town shall be divided in the formation of districts.

The Legislature, at its first session after the next enumeration, shall re-apportion the members of Assembly from several counties of this State, in manner aforesaid, and the number of supervisors in such counties as may be entitled to more than one member, shall be apportioned, to more than one member, shall be apportioned, as the Legislature making such re-apportionment shall direct; and the apportionment and districts shall remain unaltered until another enumeration shall be made, the provisions of the preceding section.

Every county heretofore established and separate, except the county of Hamilton, shall always be entitled to two members of the Assembly, and no new county shall be heretofore established, its population shall entitle it to a member.

any member of the Senate, or holding any office in the government of the United States, shall, after his election or appointment to Congress, or appointed to any office in the government of the United States, vacate his seat.

The members of the Assembly, pursuant to the Constitution, shall be held on the first Monday of November, unless otherwise provided.

Three members shall constitute a quorum to do business; and the rules of its own proceedings, its own officers; and the Senate shall elect its officers; when the Lieutenant-Governor shall act as Governor.

Each house shall keep a journal of its proceedings, and the parts as may require secrecy. The journals shall be kept open, except when the public welfare shall require otherwise, without the consent of the other house shall, without the consent of the other house, be more than two days.

No debate in either house of the Legislature shall be questioned in any other place.

Any bill introduced in either house of the Legislature, may be amended by the other.

The preamble of all bills shall be "The people of the State of New York, represented in Senate and Assembly, do enact that."

No bill shall be enacted except by bill. No bill shall be passed unless by the assent of a majority in each branch of the Legislature, and the yeas and nays shall be taken immediately upon its passage, and yeas and nays entered on the journal.

those shall have an equal vote with the Governor, or for Lieutenant Governor, at its next annual session, and choose one of the said persons to be Governor, or Lieutenant Governor, by a majority of votes for Governor, or Lieutenant Governor.

Sec. 4. The Governor shall be commander in chief of the land and naval forces of the State. He shall communicate to the Legislature (or the Senate only) on request, and shall communicate by message to the Legislature the condition of the State, and recommend such measures as he shall judge expedient. He shall transact business with the officers of government, civil and military, and shall take care that the laws are faithfully executed. He shall at stated times, receive for his services a compensation established by law, which shall neither be increased nor diminished by his election and during his continuance in office.

Sec. 5. The Governor shall have the power to grant commutations and pardons after conviction, for all crimes except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulation as may be provided by law relating to applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, and the suspension shall be reported to the Legislature at its next meeting. The Legislature shall either pardon, or commute the sentence, or commute the sentence, or grant a further reprieve, or communicate to the Legislature each case of reprieve, or pardon granted; stating the name of the offender, the crime for which he was convicted, the sentence and its date, and the commutation, pardon or reprieve.

Sec. 6. In case of the impeachment of the Governor, or removal from office, death, inability to discharge his duties,

...together with the ...
...shall be reconsidered ...
...the members present, it shall ...
...of the Governor. But ...
...shall be determined by yeas ...
...voting for and against the ...
...of each house respectively. If ...
...the Governor within ten days ...
...have been presented to him, the ...
...as if he had signed it, unless the ...
...prevent its return; in which

ARTICLE V

...of State, Comptroller, Treasurer and ...
...at a general election, and shall hold ...
...of the officers in this Article named ...
...Assembly), shall at stated times, during ...
...for his services, a compensation, ...
...or diminished during the term for which ...
...shall he receive, to his use, any fees or ...
...compensation.

...and Surveyor shall be chosen at a gen- ...
...his office two years, but no person shall ...
...is not a practical engineer.

...Commissioners shall be chosen at the general ...
...next after the adoption of this Constitu- ...
...his office for one year, one for two years, ...
...The Commissioners of the Canal Fund

Sec. 5. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, Engineer and Surveyor, shall be sworn in Office.

The Lieutenant-Governor, Secretary of State, Treasurer, and Attorney-General, shall be sworn in Office.

The Canal Board shall consist of the Treasurer, the State Engineer and Surveyor, and the Commissioners.

Sec. 6. The powers and duties of the several offices in this Article mentioned, shall hereafter may be prescribed by law.

Sec. 7. The Treasurer may be suspended from office, during the recess of the Legislature, after the commencement of the next session, if ever it shall appear to him that such Treasurer violated his duty. The Governor shall appoint a person to discharge the duties of the office, during the absence of the Treasurer.

Sec. 8. All offices for the weighing, gauging, inspecting any merchandize, produce, manufactures, or whatever, are hereby abolished, and no such offices shall be created by law; but nothing in this section shall prevent any office created for the purpose of protecting the interests of the State in its property, revenue, or of supplying the people with correct standards of measures, or shall prevent the creation of any other offices hereafter.

ARTICLE VI

SECTION 1. The Assembly shall have the power to try by the vote of a majority of all the members present, for the trial of impeachments, shall be composed of the Senate, the Senators, or a major part of the

the others to be bounded by lines equal in population as nearly as possible to the Supreme Court in the district composed of the city of New York. It may be authorized by law, but the number in proportion to its population shall be the same as the number of such judges in the district composed of the city of New York in proportion to its population. They shall hold office for a term of eight years. After the expiration of their term the term of their office shall be eight years.

They shall have the same powers to alter and amend proceedings in law and equity, as they have now.

It shall be the duty of the law for designating from time to time the said justices, who is not a judge of the said court, to sit at the general terms of the said court in the said districts. Any three or more of the said justices so designated shall always sit at the general terms. And any one or more of the said justices shall sit at the terms and circuit courts, and any one of the said justices shall sit at the terms and circuit courts of over and terminer in any county.

The Court of Appeals and justices of the said court shall receive at stated times for their services a salary to be established by law, which shall not be diminished during their continuance in office.

They shall hold any other office or public trust. All judges shall be ineligible for any elective office (except that of

of this action, unless the court shall order otherwise, nor unless the party complained against shall have been heard in his defense. A writ of habeas corpus and noli shall be entered on the return of the writ.

Sec. 12. The judges of the Court of Sessions, the electors of the State, and the justices of the several judicial districts shall be elected as prescribed by law.

Sec. 13. In case the office of any judge of the Court of Sessions, or justice of the Supreme Court, shall become vacant during the regular term for which he was elected, the vacancy shall be filled by appointment by the Governor, and he shall hold office until the next general election of judges, when he shall be elected for the residue of the unexpired term.

Sec. 14. There shall be elected in each of the counties, except the city and county of New-York, one county judge, who shall hold his office for four years. He shall hold the office and perform the duties of the office of surrogate. He shall have such jurisdiction in cases arising in justice, and in special cases, as the Legislature may prescribe. He shall have original civil jurisdiction, except in such special cases.

The county judge, with two justices of the peace, shall, according to law, may hold courts of sessions, and shall have jurisdiction as the Legislature shall prescribe, and shall perform such duties as may be required by law.

The county judge shall receive an annual salary, to be determined by the board of supervisors, which shall be neither increased nor decreased during his continuance in office. The justices of the peace in courts of sessions, shall be paid a per diem, to be paid out of the county treasury.

shall be regulated by law. Justices of inferior courts not of record shall be removed after due notice and an opportunity of defence by such county, city or village, as may be provided by law, for causes to be assigned in

the removal of cities and villages, and all such removals shall be regulated by law, shall be elected at such times as the Legislature may direct.

Justices of the peace of all counties of this State shall be clerks of the courts, and shall have such powers and duties as shall be prescribed by law. The Clerk of the Court of Appeals, to be ex-officio clerk of the Court of Sessions, and to keep his office at the seat of government, shall be elected by the electors of the State; he shall hold office for four years, and his compensation shall be fixed by law out of the Treasury.

Justices of the peace, except justices of the peace shall receive no salary or perquisites of office.

The Legislature may authorize the judgments decrees and orders of any inferior court of record of original civil jurisdiction to be removed for review directly into the Court of Appeals.

The Legislature shall provide for the speedy publication of such judicial decisions as it may deem expedient, and such judicial decisions shall be free for pub-

Section 1. After paying the expenses of the canals and ordinary repairs, there shall be set apart in each fiscal year, out of the revenues of the canals, on the first day of June, one thousand eight hundred and six, the sum of one million and three hundred and fifty thousand dollars in each fiscal year, as a sinking fund, to redeem the principal of that part of the State debt, as it existed at the time first aforesaid, and one hundred thousand dollars then to be borrowed, and wholly paid; and the principal and income of the same shall be sacredly applied to that purpose.

Sec. 2. After complying with the provisions of this article, there shall be appointed and set apart the revenues of the State canals, in each fiscal year, on the first day of June, one thousand eight hundred and six, of three hundred and fifty thousand dollars, and a sufficient sum shall have been appropriated and set apart, as in said first section, to pay the interest and extinguish the principal of the canal debt; and after that period, there shall be set apart one million and five hundred thousand dollars in each fiscal year, to pay the interest and redeem the principal of the State debt called the General Fund debt, including the interest of the State credit to rail road companies which have an interest thereon, and also the contingent debt on loans made to incorporated companies which have hitherto been paid thereon, whenever and as far as any part thereof has been a charge on the Treasury or General Fund, until the same is wholly paid; and the principal and income of the same *sinking fund* shall be sacredly applied to the purpose.

the deficiency, in whole or in part, of the canal, after complying with the provisions of this article, for paying the principal of the Canal and General Fund, shall be appropriated from the surplus revenues of the State, annually three hundred and fifty thousand dollars, or two hundred thousand dollars, or so much thereof as shall be necessary for the expenses of the government, until the debt shall be extinguished, or until the Erie, Champlain Valley and Black River Canals shall be paid, or the said debt shall be paid, or the said sum of six hundred and seventy-five thousand dollars, or so much thereof as shall be necessary, appropriated to defray the expenses of the same.

The State against any incorporated company shall be the principal of the stock of the State, and the principal of the stock of the State, shall be fairly enforced, and not the monies arising from such claims shall be appropriated as part of the sinking fund provided in this article. But the time limited for the payment of any release or compromise heretofore made shall be extended by law.

The State, or either of them, provided in this article, to enable the State, on the credit of the same, to satisfy the claims of the creditors of the State, payable, the Legislature shall, by equitable means of the said funds as to make them, to preserve the public faith. Every claim of the canals, or their debt, from any source, shall, with quarterly interest, at the

Sec. 9. The credit of the State shall not be loaned to, or in aid of any individual or corporation.

Sec. 10. The State may, to meet casual and extraordinary expenses not provided for; but the amount of such debts and contingent, singly or in the aggregate, shall not exceed one million of dollars; and the moneys raised by taxes creating such debts, shall be applied to the payment of the same, or to repay the debt by which they were obtained, or to repay the debt by any other purpose whatever.

Sec. 11. In addition to the above limited powers, the State may contract debts to repel invasion, or to defend the State in war; but the money raised by the contracting of such debts shall be applied to the payment of the same, or to repay such debts, and to no other purpose.

Sec. 12. Except the debts specified in the provisions of this article, no debt shall be hereafter contracted on behalf of this State, unless such debt shall be authorized for some single work or object, to be distinctly specified in such law shall impose and provide for the collection of a tax to pay, and sufficient to pay the interest on such debt, due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof.

No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of the votes cast for and against it, at such election.

On the final passage of such bill in either house of the Legislature, the question shall be taken by ayes and noes, to be entered in the journals thereof, and shall be: "Shall this bill pass? Shall it have the same to receive the sanction of the people?"

shall be taken by a vote of a majority of the members present, and three-fifths of the members of the assembly, and shall, in all such cases, be subject to the approval of the people.

VIII

Corporations shall be formed under general laws; but no special act, except for municipal purposes, shall be passed by the Legislature, the objects of which shall be defined under general laws. All general laws passed pursuant to this section, may be altered or repealed by the Legislature.

Corporations shall be secured by such individual and other means as may be prescribed by the Legislature.

Corporations as used in this article, shall be corporations and joint-stock companies having the privileges of corporations not possessed by individuals. And all corporations shall have the right to be sued in all courts in like cases as individuals.

Corporations shall have no power to pass any act granting a charter for banking purposes; but corporations or companies may be formed for such purposes under general laws.

Corporations shall have no power to pass any law sanctioning, directly or indirectly, the suspension of specie payments.

...shall have an equal share in the
...of the Legislature for the next annual session.
...at the next annual session, the
...shall be respectively be
...School Fund
...the revenues of the
...to the support of academies, and
...dollars of the revenues of the
...each year be appropriated to and made
...said Common School Fund.

ARTICLE X

SECTION 1. Sheriffs, clerks of counties, clerk of the city and county of New-York, attorneys, shall be chosen, by the electors once in every three years and as often as Sheriffs shall hold no other office, and be such years after the termination of their offices. by law, to renew their security, from time to giving such new security, their offices shall the county shall never be made responsible for

The Governor may remove any officer, within the term for which he shall have been officer a copy of the charges against him, being heard in his defence.

SEC. 2. All county officers whose election provided for, by this Constitution, shall be the respective counties, or appointed by the other county authorities, as the Legislature town and village officers, whose election of

for the removal of any officer or non-commissioned officer (except judicial) who may be averse to bearing arms and who shall be elected to fill the vacancies created by such removal.

These are the cases in which any officer or non-commissioned officer provision is made for that purpose.

Section XI

The militia of this State, shall at all times hereafter, be kept in readiness for service; but all such militia of any religious denomination whatever as may be averse to bearing arms, shall be exempted on such conditions as shall be prescribed by the Legislature.

Officers shall be chosen, or appointed, as follows:—
Non-commissioned officers shall be chosen by the members of their respective companies.
Captains and separate battalions, by the written vote of the officers of the respective regiments and brigades; major generals and brigade inspectors by the vote of the respective brigades; major generals, brigadier generals, officers of regiments or separate battalions, shall be appointed to their respective divisions, brigades, and battalions.

The Governor shall nominate, and with the consent of the Senate, the major generals, and the commissary general. The chiefs of staff departments, and the aids-de-camp-in-chief shall be appointed by the Governor. Their commissions shall expire with the time for which they have been elected. The commissary general shall

SECTION 1. Members of the Executive, Legislative, and judicial, except such inferior officers, shall, before they enter on the duties of their office, and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) to support the Constitution of the United States, and of the State of New-York; and that I will faithfully perform the duties of the office of _____ according to the best of my ability."

And no other oath, declaration, or test shall be required for any office or public trust.

ARTICLE XIII

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if agreed to by a majority of the members of each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays, and referred to the Legislature to be chosen at the next meeting of Senators, and shall be published for three months before the time of making such choice, and if in the Legislature, as aforesaid, such proposed amendment or amendments be agreed to, by a majority, of all the members elected, then it shall be the duty of the Legislature to submit such amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if approved and ratified by a majority of the electors qualified to vote for members of the Legislature, voting thereon, such amendment or amendments shall be valid and part of the Constitution.

SEC. 2. At the general election to be held in the year one thousand and sixty-six, and in each twentieth year thereafter,

of that year, the Mayor, Recorder, Treasurer, Aides to the Mayor, the General, Canal Commissioners, and the officers of the City of New-York, until and including the first day of January, one thousand eight hundred and forty-

eight, the judges and clerk of the Court of Appeals, the Court, and county judges, shall take the oath on the first Tuesday of April and the second Tuesday of July, one thousand eight hundred and forty-seven, as may be directed by law; and the said courts shall respectively enter upon their duties on the first day of July, next thereafter; but the judges, clerk and justices as declared by this Constitution shall commence on the first day of January, one thousand eight hundred and forty-eight.

On the first day of July, one thousand eight hundred and forty-seven, all suits and proceedings then pending in the Court and Court of Chancery, and all suits then commenced and then pending in any court in the city and county of New-York, shall be transferred to the Court hereby established. Proceedings in non pleas and in suits originally commenced in the county courts shall be transferred to the county courts provided in such manner and form and under such conditions as may be provided by law. The courts of oyer and terminer shall, in their respective counties, have jurisdiction on the day last mentioned, of all indictments then pending in the present courts of oyer and terminer, and of all indictments and proceedings then pending in

Sec. 7. In case any vacancy shall occur in the office of any justice of the present Supreme Court, the Governor may, at any time, and by and with the advice and consent of the Senate, appoint a proper person to fill such vacancy, who, until appointed, or until Appeals or justice of the Supreme Court, may receive and hold such appointments.

Sec. 8. The offices of Chancellor, justice of the Court, circuit judge, vice-chancellor, and all other offices of the existing county courts of each county, (except as herein otherwise provided,) are abolished on the first Monday of July, one thousand eight hundred and forty-seven (1847.)

Sec. 9. The Chancellor, the justices of the peace, and the circuit judges, are hereby declared to be in office at the first election under this Constitution.

Sec. 10. Sheriffs, clerks of counties, (including the clerk of the city and county of New-York) and coroners, in office, when this Constitution shall take effect, shall hold their respective offices until the expiration of the term for which they were respectively elected.

Sec. 11. Judicial officers in office when this Constitution shall take effect, may continue to receive such fees and perquisites as are now authorized by law, until the first day of January, one thousand eight hundred and forty-seven, notwithstanding the twentieth section of the sixth article of this Constitution.

Sec. 12. All local courts established in any city or county, including the superior court, common pleas, sessions and courts of the city and county of New York shall remain in force, as directed by the Legislature, with their present powers and jurisdiction; and the judges of such courts and any clerks or officers on the first day of January one thousand eight hundred and forty-seven, shall continue in office until the expiration of their term of office, or until the Legislature shall otherwise direct.

Secretary of State

OF 1846

ARTICLE II

Every male citizen of the age of twenty-one years who has resided in this State for six months and an inhabitant of this State at the time of the election, and the last four months a resident of the county in which he may offer his vote, shall be entitled to vote in the election district of which he shall be a resident, and not elsewhere, for all officers that shall be elective by the people, and upon all matters submitted to the vote of the people, provided that no person in the actual military service of the United States, in the army or navy thereof, shall be entitled to vote on account of his absence from such election district. The Legislature shall have power to provide the manner and place at which such absent electors may appear and canvass of their votes in the election district in which they respectively reside.

No person shall receive, expect, or offer to receive, or pay, contribute, offer or promise to contribute

Constitution of 1846 verified by "The Constitution of the State of New York" adopted November 3, 1846. As amended and in force from the original in office of Secretary of State, John D. Cook, Secretary of State. Albany: Weed, Parsons

for people, November 3, 1874, -

...all persons considered as persons of the State.
...For the purpose of voting, a person who has
gained or lost a residence, by reason of being
employed in the service of the United States,
in the navigation of the waters of the United
States, or of the high seas; nor while a student
learning; nor while kept at any alien house,
public expense; nor while confined in any prison.
* Sec. 5. The Assembly shall consist of not more
than thirty members, elected for one year. The members
shall be apportioned among the several counties of the
State, as nearly as may be, according to the number of
inhabitants, excluding aliens, and shall be divided into
districts. The Assembly districts shall remain as now
until after the enumeration of the inhabitants of the
State in eighteen hundred and seventy-five. The Legisla-
ture after the return of every enumeration, shall ap-
portion the members of Assembly among the several counties of the
State aforesaid, and the board of supervisors in each county
entitled under such apportionment to more than one member,
the city and county of New York, and in said city the
board of aldermen of said city shall assemble at the
Legislature making such apportionment shall divide
their respective counties into Assembly districts, and
the districts shall consist of convenient and contiguous territory,
the number of members of Assembly to which each district
shall be entitled, and shall cause to be filed in the offices of the
State and the clerks of their respective counties, a list of the
districts, specifying the number of each district and the number
thereof, according to the last preceding enumeration, as
ascertained, and the apportionment and districts shall not
be altered until another enumeration shall be made.
No town shall be divided in the formation of a district.
Every county heretofore established and separately

the county of Hamilton, shall always be entitled to one member of the Assembly, and no new county shall be hereafter erected, unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member. But the Legislature may abolish the said county of Hamilton, and annex the territory thereof to some other county or counties. Nothing in this section shall prevent division at any time of counties and towns, and the erection of new towns and counties by the Legislature.

^a SEC. 6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

^a SEC. 7. No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

^a SEC. 8. No person shall be eligible to the Legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government. And if any person shall, after his election as a member of the Legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

ARTICLE III

^b SEC. 17. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

^b SEC. 18. The Legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

Regulating the rate of interest on money.

^a As amended by vote of the people, November 3, 1874.

^b Added by vote of the people, November 3, 1874.

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He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided and furnished executive residence. The Governor shall receive for his services an annual salary of ten thousand dollars, and shall not receive or be entitled to any compensation, fee or perquisite for any duty or service performed by the Constitution or by law. Every bill which shall have passed the Senate and Assembly, unless a law, be presented to the Governor; if he assents to it, he shall sign it; but if not, he shall return it with his objections, which it shall have originated, which shall be entered on the journal, and proceed to reconsideration, two-thirds of the members of each house shall agree to pass the bill it shall be sent to the other house by which it shall likewise be passed; if approved by two-thirds of the members of each house it shall become a law notwithstanding the Governor. In all such cases, the votes in both houses shall be taken by yeas and nays, and the names of the yeas and nays shall be entered on the journal of each house respectively. The Governor shall not be returned by the Governor within thirty days after it shall have been presented to

of the people, November 3, 1874.

by vote of the people, November 3, 1874.

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shall appoint all other persons to the office of the Auditor of State, subject to the approval of the Senate. The Governor shall appoint the State Engineer, and shall have all the powers and duties of the office of the State Engineer herewith, which have heretofore been vested in the Inspectors of State Prisons; and the office of the State Superintendent of State Prisons shall be abolished, and the office of Inspector of State Prisons shall be abolished. The Governor may remove any officer at any time, giving to him a written notice, and an opportunity to be heard in person.

ARTICLE VI.

The Court shall have the power of impeachment, and shall elect all the members elected. The Court for the impeachment shall be composed of the President of the Senate, and a majority of the members of the Senate, and the Judges of the Supreme Court, and a majority of them. On the trial of an officer, the Governor, the Lieutenant-Governor shall preside over the court. No judicial officer shall exercise the power of impeachment against him shall have been impeached, until he shall have been acquitted. Before the trial, the members of the court shall take an oath to be impartial and impartially to try the impeachment, and no person shall be convicted without the concurrence of a majority of the members present. Judgment in

by vote of the people, November 7, 1876.

...shall sit, as a General Term of any ...
...in review of a decision made by ...
...he was at the time a sitting member.

...shall be taken in like manner as in cases ...
...otherwise provided, the Legislature ...
...and regulate the jurisdiction and ...
...that they have heretofore exercised.

...shall occur, otherwise than by expiration ...
...of the Supreme Court, the same shall ...
...the next general election happening not ...
...such vacancy occurs; and until any va- ...
...Governor by and with the advice and con- ...
...shall be in session, or if not in session, ...
...to fill such vacancy: Any such appoint- ...
...and including the last day of December ...
...which the vacancy shall be filled.

...the Court of Appeals, and the Justices of ...
...shall not hold any other office or public trust. ...
...for any other than a judicial office, given ...
...the people, shall be void.

...the Court of Appeals, and Justices of the Su- ...
...approved by concurrent resolution of both houses ...
...two-thirds of all the members elected to each

of the said officers, not to exceed the number of County Judges and of Justices of the Peace, and to exercise such powers as may be provided by law.

It shall be provided for submitting to the electors of the State in the year eighteen hundred and eighty the question, whether the offices of Chief Justice and Associate Justices of the Supreme Court, and of Justices of the Peace, shall be elected by the people. If a majority of the votes shall be cast in the affirmative, the said officers shall be elected; and as vacancies occur, they shall be filled by the Governor by and with the advice and consent of the Senate; if the Senate be not in session, by the Governor; and if the Senate be not in session, by the Governor; and if the Governor alone shall expire at the end of his term of office, the offices of the Judges mentioned in article six of the Constitution, be hereinafter mentioned. If a majority of the votes upon the question shall be cast in the affirmative, the said officers shall not there- after be elected; and as vacancies occur, they shall be filled in the manner here provided.

The several towns shall, at their annual meetings, in such manner as the Legislature may direct, elect a Justice of the Peace, whose term of office shall be four years.

Attest, the people, November 4, 1873—pursuant to chapter 314, of the Acts of the Legislature, passed in the negative.

SEC. 21. No judicial officer, except a Justice of the Court of Appeals, shall engage in any business, or practice as an attorney or counselor at law, in this State, or act as referee.

SEC. 22. The Legislature may authorize the removal of any decision of any court of record of original jurisdiction, made in a city, to be removed for review, to the Court of Appeals.

SEC. 23. The Legislature shall provide for the publication of all Statutes, and also for the appointment of a Supreme Court designated to hold General Sessions, and to review the decisions of that court. All laws and judgments shall be free for publication by any person.

SEC. 24. The first election of Judges of the Court of Appeals, of the three additional Judges of the Court of Common Pleas, the city and county of New York shall take place on the first Tuesday of April and the second Tuesday of May, after the adoption of this article, as may be provided by the Court of Appeals, the Commissioners of Appeals, and the Judges of the said Court of Common Pleas, shall respectively expire on the first Monday of July thereafter.

SEC. 25. Surrogates, Justices of the Peace and Justices of the Court of Sessions, provided for in section sixteen, in office when this article takes effect, shall hold their respective offices until the expiration of their terms.

SEC. 26. Courts of Special Sessions shall have jurisdiction of offenses of the grade of misdemeanors as may be provided by the Legislature.

SEC. 27. For the relief of Surrogates' Courts, the Legislature shall confer upon courts of record, in any county having a population exceeding four hundred thousand, the powers and

shall be continued until changed pursuant to the provisions of the second judicial district and the third judicial district. The Legislature may alter the number, once after every enumeration of the inhabitants of the State. The Court of Appeals, the Court of the City and County of New York, the Superior Court of the County of New York, the Superior Court of Brooklyn, are continued with the same powers they now severally have, and such further

amended by vote of the people, November 5, 1872.

The Constitution (except section 28) was framed by delegates chosen by chapter 194, Laws of 1867, to a Constitutional Convention, which met in section 2 of article 18 of the Constitution, by vote of the people at a general election held November 6, 1866), which Convention adjourned January 4, 1867, and adjourned February 28, 1868.

The proposed amendment (section 28) was submitted separately to the people, pursuant to section 2 of article 18 of the Constitution, at the general election held November 2, 1869, and adopted by the Board of State Canvassers, by their certificate dated December 6, 1869, the official vote thereon, "for the amended judiciary article," 247,240 votes, and "for the original judiciary article," 240,442 votes.

The Commission of Appeals extended to July 1, 1875, by

amended by vote of the people, November 7, 1882.

1883.

of the people November 4, 1879.

of 1847, chapter 485, Laws of 1857, and chapter 24, of the judicial districts. See, also, section 28, adopted by the increasing number of Justices of the Supreme Court, 1883.

§ 12. Justices of the Supreme Court, and Justices of the County Courts, shall be elected for the terms of their respective judicial offices, as mentioned in the last preceding section, on the 4th day of January next after the adoption of this article, and on the 4th day of January next after the first day of January next after the adoption of this article.

Sections 12 and 13, amended by vote of the Convention, as reported in the Journal of the Convention of the State of New York, 1867-68, in the City of Albany on the 4th Day of December, 1867. Albany: Weed, Parsons & Company; Printers to the Convention. 1868.

"Proceedings and Debates of the Constitutional Convention of the State of New York, held in 1867 and 1868, in the City of Albany, N. Y., under the direction of F. Underhill, official stenographer, Vols. I, II, III, IV, V. Albany: Weed, Parsons and Company, Printers to the Convention. 1868.

"New York Convention Manual prepared in pursuance of an Act of the Legislature, Chapter 458, of the laws of 1867, under the Direction of Francis B. Underhill, Comptroller of the State, Thomas Hillhouse, Comptroller, and John H. Underhill, Clerks. By Franklin B. Hough. Part I. pp. 593. Albany: Weed, Parsons & Company, Printers to the Convention. 1868.

"Documents of the Convention of the State of New York, 1867-68. Vols. I, II, III, IV, V. Nos. 1 to 183 inclusive. Albany: Weed, Parsons & Company, Printers to the Convention. 1868."

"Revision Documents of the Constitutional Convention of the State of New York, 1867-'68. Albany, N. Y.: Weed, Parsons and Company, Printers to the Convention. 1868." pp. 23.

"Reflections on the changes which may seem necessary in the Constitution of the State of New York. Published by the New York State Club, by Francis Lieber, LL. D., Professor of Constitutional Law, School of Columbia College, New York, 1869. pp. 50.

See "Journal of the Constitutional Commission of the State of New York, Begun and Held in the Common Council Chamber, in the City of Albany, on the 4th Day of December, 1872-3. Albany: Weed, Parsons & Company, Printers to the Convention. 1873. pp. 483. Appendix.

"Concurrent Resolutions proposing Amendments to the Constitution of the State of New York, with Act of the Legislature, prescribing the manner for voting thereon, and manner of submitting the same to the People. Published by the New York State Council of Political Education, August 18, 1874," pp. 16.

the payment of the debts of the State shall be made, and neither of them shall be applied to any other than for the specific purposes provided.

The Governor, Canal Board, Canal Appraisers, and the Auditor in behalf of the State, shall audit, and settle all accounts between citizens of the State, would be barred by the limitation of existing claims shall be the limitation of this section; but this provision shall not apply to claims already barred by existing law, nor shall it fix the time within which claims shall be presented; nor shall it extend to any claims duly allowed by law, and prosecuted with due diligence. But if the claimant does not present the claim within two years it shall be removed.

ARTICLE VIII

It shall, by general law, conform all charters of institutions for savings, to a uniformity of organization, and all charters hereafter granted for such institutions shall be made to conform to such general law, and no such corporation shall have any stock, nor shall the trustees thereof, or any officer thereof, or any agent, or any person, or any person whatever, direct or indirect, in the profits of such institution, and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or

including existing indebtedness, of the assessed valuation of the real estate subject to taxation, as it appeared on the county or city on the last assessment prior to the incurring of such indebtedness, with the exception of such limitation, except such as may be void, except as herein otherwise provided, no city whose present indebtedness exceeds the assessed valuation of its real estate subject to taxation shall be reduced within such limit. This section shall be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes actually contained, or to be contained in the future, of such certificates or revenue bonds are issued and taxes. Nor shall this section be construed to prohibit bonds to provide for the supply of water, but bonds issued to provide for the supply of water shall be paid in years, and a sinking fund shall be created on the bonds for their redemption, by raising annually to produce an amount equal to the sum of the principal and interest on such bonds at their maturity. The amount hereof shall not exceed in any county or city purposes, in any county or city over one hundred thousand inhabitants, or any such city, in addition to providing for the principal and interest on such debt, shall not in the aggregate exceed in any county or city, to be ascertained as prescribed in respect to county or city debt.

^a As amended by vote of the people, November 3, 1874.

^b Sections 10 and 11 added by vote of the people, November 3, 1874.

^c As amended by vote of the people, November 4, 1884.

ARTICLE X

SEC. 9. No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other State officers named in the Constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

ARTICLE XII ^b

SECTION 1. Members of the Legislature (and all officers, executive and judicial, except such inferior officers as shall be by law exempted) shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration or test shall be required as a qualification for any office of public trust.

ARTICLE XV ^c

SECTION 1. Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, any thing of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

SEC. 2. And person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall

^a Section 9 added by vote of the people, November 3, 1874.

^b As amended by vote of the people, November 3, 1874.

^c Article 15 added by vote of the people, November 3, 1874.

Done in Convention, at the Capital, on the
day of October in the year one thousand
six, and of the Independence of the United
States the seventy-first.

President and Delegate

VOTE OF THE PEOPLE UPON THE AMENDMENTS—18

Nov. 6, 1866. For a convention to revise Constitution
Against-----

• Article 16 added by vote of the people, November 1970

§ 3. The free exercise and enjoyment of religious opinions, and the right of every person to worship God according to the dictates of his conscience, shall not be infringed; and no person shall be incompetent to be a witness on account of his religious belief; but the liberty of conscience shall not be so construed as to excuse acts of lawlessness inconsistent with the peace or safety of the State. [Section 3 of article I of the constitution of 1892.]

§ 4. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the safety may require its suspension.

[Section 4 of article I of the amended constitution of 1894.]

§ 5. Excessive bail shall not be required, nor shall cruel and unusual punishments be imposed, nor shall witnesses be unreasonably detained.

[Section 1 of article V of the amended constitution of 1894.]

§ 6. No person shall be held to answer for a capital or infamous crime (except in cases of impeachment, or militia when in actual service, and the land and naval forces of war, or which this State may keep with the army in time of peace, and in cases of petit larceny, as determined by the Legislature), unless on presentment or indictment by a grand jury; and in any trial in any court whatever the accused shall be allowed to appear and defend in person and by counsel in all civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself.

* The Clerk's Manual of Rules, Forms and Laws for the Business in the Senate and Assembly of the State of New York, pursuant to section 15 of the legislative law. Lafayette B. Baxter, Clerk of the Senate; A. E. Baxter, Clerk of the Assembly. Albany: The Albany Printing Co. 1907. 662 pp.

^a As proposed by the Constitutional Convention, September 17, 1894, N. Y., and adopted by the people of the State, November 6, 1894.

to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.

[Section 6 of article I of the constitution of 1846, without change.]

§ 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

[Section 7 of article I of the amended constitution of 1846, amended. The last sentence, relating to the drainage of agricultural lands, is new.]

§ 8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

[Section 8 of article I of amended constitution of 1846, without change.]

§ 9. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; nor shall any lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling hereafter be authorized or allowed within this state; and the Legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

[Section 10 of article I of the amended constitution of 1846, amended. The part of this section relating to pool-selling, book-making and other kinds of gambling is new.]

§ 10. The people of this State, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of this State; and all lands the title to which shall fail, from a defects of heirs, shall revert, or escheat to the people.

[Section 11 of article I of the amended constitution of 1846, without change.]

§ 11. All feudal tenures of every description, with all their incidents, are declared to be abolished, saving however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

[Section 12 of article I of the amended constitution of 1846, without change.]

§ 16. Each part of the common law, which was in force in the colony of New York at the time of the adoption of this constitution, on the nineteenth day of September, one thousand seven hundred and seventy-five, and the rest of the laws of the colony, and of the convention of the people of this State, on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, shall be and continue the law of this State, as the Legislature shall make concerning the parts of the common law, and such other laws as are repugnant to this Constitution, are hereby

[Section 17 of article I of the amended constitution striking out the part of such section 17 as related to the codification commissioners.]

§ 17. All grants of land within this State, made by Great Britain, or persons acting under his authority, on the nineteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this section shall affect any grants of land within this State, made by the authority of the said king or his predecessors, or shall affect any such grants or charters since made, or shall affect any such grants or charters since made, or by persons acting under its authority; or shall affect any debts, contracted by the State or any body politic or corporate, or any other rights of property, or any action, or other proceedings in courts of justice.

[Section 18 of article I of the amended constitution of 1792.]

§ 18. The right of action now existing to recover damages resulting in death, shall never be abrogated, and shall not be subject to any statutory limitation.

[This section is new.]

...withholding a vote, or
...the giving of
...or becoming directly or
...upon the result
...and upon challenge for
...before the officers authorized
...shall swear or affirm before
...or offered, does not expect to
...or promised to pay, contributed, offered
...to be paid or used, any money
...compensation or reward for the giving
...election, and has not made any promise
...or indirectly interested in any bet or
...result of such election. The Legislature
...from the right of suffrage all persons con-
...notorious crime.

...the amended constitution of 1846, amended. The
...was as follows: "The legislature of the
...adoption of this section, shall, and from time to
...excluding from the right of suffrage all persons
...notorious crime."]

...voting, no person shall be deemed to have
...by reason of his presence or absence, while
...of the United States; nor while engaged in
...of this State, or of the United States,
...while a student of any seminary of learning;
...almshouse, or other asylum, or institution
...at public expense or by charity; nor while
...in prison.

...the amended constitution of 1846 amended by insert-
...the words "or other institution wholly or partly
...word "expense" the words "or by charity."]

which each board of officers are to be elected by the highest number of votes. All said boards shall be organized or elected in such manner and at such times as the representatives of said parties respectively may direct. Existing laws on this subject shall remain in force until the Legislature shall otherwise provide. This section shall not apply to town meetings, or to village elections.

[New.]

ARTICLE III

Section 1. The legislative power of this State shall be vested in the Senate and Assembly.

[Section 1 of article III of the amended constitution of 1846, changing the word "a" before "senate" to "the." This change was referred to by the revisers, but as the people voted on the constitution, it seems to have been effected.]

§ 2. The Senate shall consist of fifty members, as hereinafter provided. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years; their successors shall be chosen for two years. The Assembly shall consist of one hundred and fifty members, who shall be elected for one year.

[New, superseding section 2 of article III of the amended constitution of 1846, which provided for a senate of 32 members, and an assembly of 100 members. The provision that the senate shall consist of fifty members, as hereinafter provided, refers to the provision in the section 4 of this article.]

shall consist of that part of the county of Kings, bounded by a line beginning at Canal street, and running thence along Canal street, Varick street, Broome street, Sullivan street, Broadway, Canal street, the Bowery, Division street, Jackson street, to the East river and the island of Manhattan island, to the place of beginning, Bedloe's and Ellis islands.

(11) shall consist of that part of the county of Kings, bounded by a line beginning at Canal street, and running thence along Canal street, Varick street, Broome street, Sullivan street, Broadway, Canal street, the Bowery, Division street, Jackson street, to the East river and the island of Manhattan island, to the place of beginning, Bedloe's and Ellis islands.

(12) shall consist of that part of the county of Kings, bounded by a line beginning at Jackson street and the island of Manhattan island, to the place of beginning, Bedloe's and Ellis islands.

District number fifteen (15) shall consist of the county of New York lying north of district number fourteen and within and bounded by a line beginning at the junction of the East river and Sixth avenue, and running thence along the East river, East Fifteenth street, Seventh avenue, East Nineteenth street, Fifth avenue, East Ninety-third street, East Twenty-third street, Third avenue, East Twenty-third street, Irving place and Fourteenth street, to the place of beginning.

District number sixteen (16) shall consist of the county of New York lying north of district number fifteen and within and bounded by a line beginning at the junction of the East river and Nineteenth street, and running thence along the East river, Eighth avenue, West Twentieth street, the East river, West Forty-sixth street, Tenth avenue, West Forty-sixth street, West Fortieth street, and Seventh avenue, to the place of beginning.

District number seventeen (17) shall consist of the county of New York lying north of district number sixteen and within and bounded by a line beginning at the junction of the East river and West Forty-third street, and running thence along the East river, West Forty-third street, Tenth avenue, West Forty-third street, the East river, West Eighty-ninth street, Tenth avenue, West Eighty-sixth street, Ninth or Columbus avenue, West Forty-first street and Eighth avenue, to the place of beginning.

District number eighteen (18) shall consist of the county of New York lying north of district number seventeen and within and bounded by a line beginning at the junction of the East river and Second street and the East river, and running thence along the East river, Second street, Third avenue, East Fifty-third street, the East river, East Eighty-fourth street, Second avenue, East Eighty-fourth street and the East river, to the place of beginning at the well's island.

District number nineteen (19) shall consist of the county of New York lying north of district number eighteen and within and bounded by a line beginning at West Forty-third street and the East river, and running thence along the East river, West Forty-third street, Tenth avenue, West Forty-third street, the East river, West Eighty-ninth street, Tenth avenue, West Eighty-sixth street, Ninth or Columbus avenue, West Forty-first street and Eighth avenue, to the place of beginning at the well's island.

districts shall consist of that part of the city of New York beginning at East One Hundredth street, Hudson river, and running thence north to Ninetieth street, Fourth or Park avenue, Fifth street, Fifth avenue and the Hudson river, beginning, and all that part of the city of New York before described.

District (22) shall consist of the county of New York.

District (23) shall consist of the counties of New York and Westchester.

District (24) shall consist of the counties of New York and Dutchess.

District (25) shall consist of the counties of New York and Sullivan.

District (26) shall consist of the counties of New York and Schoharie.

District (27) shall consist of the counties of New York and Hamilton.

District (28) shall consist of the counties of New York and Washington.

District (29) shall consist of the county of New York.

District (30) shall consist of the county of Rensselaer.

District (31) shall consist of the counties of New York and Albany.

District (32) shall consist of the counties of St. Lawrence and Hamilton.

shall always be composed of free persons, excluding aliens, by fifty, and the number of members, except that if any county at the time of any apportionment is entitled to an additional senator or senators, such senators shall be given to such county in addition, and the whole number of senators

[Article III of the amended constitution of 1846.]
The Assembly shall be chosen by single districts, and by the Legislature at the first regular session after every enumeration among the several counties as may be according to the number of inhabitants, excluding aliens. Every county heretofore organized, except the county of Hamilton, shall elect one member of Assembly, and no county shall be entitled unless its population shall entitle it to more than one member. The county of Hamilton shall elect with the county of Albany one member of the county of Hamilton shall, according to its population, be entitled to a member. But the Legislature may divide the county of Hamilton and annex the territory thereof to other counties.

By dividing the whole number of inhabitants of the State, excluding aliens, by the number of members of assembly, the apportionment, which shall be made as follows: One member shall be apportioned to every county, including the county of Hamilton as one county, containing less than the ratio of one member. Two members shall be apportioned to every county containing more than two ratios according to the

Albany county, two members; Albany county, one member; Amsterdam, Kings County, one member; Chautauque county, four members; Hamilton county, one member; Orange county, two members; Otsego county, two members; Otsego county, one member; Queens county, three members; Richmond county, three members; St. Lawrence county, one member; Schenectady county, one member; Schoharie county, one member; Schuyler county, one member; Seneca county, one member; Steuben county, two members; Sullivan county, one member; Tioga county, one member; Tompkins county, one member; Ulster county, one member; Washington county, one member; Westchester county, three members; Yates county, one member.

In any county entitled to more than one representative supervisors, and in any city embracing an entire township or no board of supervisors, the common council, or other body exercising the powers of a common council, shall on the second Tuesday of June, one thousand eight hundred and fifty-five, and at such times as the Legislature making laws thereon shall prescribe, and divide such counties into districts nearly equal in number of inhabitants, excluding all fractional parts, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a senatorial district under the same apportionment, equal to the number of representatives in the assembly to which such county shall be entitled, and a map thereof shall be filed in the office of the Secretary of State and in the clerk's office of each county, a description of such districts, specifying the name of each district and of the inhabitants thereof, excluding all fractional parts of the last preceding enumeration; and such apportionments and districts shall remain unaltered until another enumeration shall be made, *as herein provided*; but said division of the city of

shall prevent the circuit court from the session of next year, and no writ or other body, shall be subject to the suit of any citizen, under the jurisdiction may prescribe; and any case pending involving an apportionment shall be over all other causes and proceedings in session it shall convene promptly

[Article III of the amended constitution of 1846, as amended by Laws of 1892, chapter 897.]

The Legislature shall receive for his services one thousand five hundred dollars. The members shall also receive the sum of one dollar for every day in going to and returning from their place of session, on the most usual route, Senators, when convened in extraordinary session, or when the Court for the Trial of Impeachments, the Assembly, not exceeding nine members, as members of an impeachment, shall receive an additional dollar a day.

[Article IV of the amended constitution of 1846, without change.]

The Legislature shall receive any civil appointment from the Senate of the United States, from the United States and Senate, or from the Legislature, or from any other body, during the time for which he shall have been appointed, and all votes given for any such appointment or appointment shall be void.

[Article V of the amended constitution of 1846, without change.]

§ 11. Each house shall keep a journal of its proceedings, and the same, except such parts as may require secrecy. Neither house shall, without the other, adjourn for more than two days.

[Section 11 of article III of the amended constitution change.]

§ 12. For any speech or debate in either house, the members shall not be questioned in any other place.

[Section 12 of article III of the amended constitution change.]

§ 13. Any bill may originate in either house, and all bills passed by one house may be amended by the other.

[Section 13 of article III of the amended constitution change.]

§ 14. The enacting clause of all bills shall be "The State of New York, represented in Senate and Assembly, do hereby enact as follows," and no law shall be enacted except by bill.

[Section 14 of article III of the amended constitution change.]

§ 15. No bill shall be passed or become a law unless it has been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage. The Governor, or the acting Governor, shall have certified to the necessity of its immediate passage, under his hand and seal of the State; nor shall any bill be passed or become a law.

...or discontinuing...
...at other low lands.

...in civil or criminal cases.

...of boards of supervisors.

...or impaneling grand or petit

...on money.

...of elections or designating places of

...increasing fees, percentages or allowances
...term for which said officers are elected

...association or individual the right to

...corporation, association or individual
...community or franchise whatever.

...association, firm or corporation, an ex-
...real or personal property.

[... Nov. 5, 1901.]

...bridges, and chartering companies for such
...Hudson river below Waterford, and on the
...forming a part of the boundaries of the

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...and for all other cases which in its
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§ 21. No money shall ever be paid out of any of its funds, or any of the funds of any of its departments, in pursuance of an appropriation by law, to be made within two years next after the passage of such law; and every such law making a new appropriation, or reviving an appropriation, shall distinctly state the object to which it is to be appropriated, and the object to which it is to be appropriated shall be sufficient for such law to refer to any other law.

[Section 8 of article VII of the amended constitution of 1890.]

§ 22. No provision or enactment shall be contained in any appropriation or supply bill, unless it relates to a particular appropriation in the bill; and any such provision shall be limited in its operation to such appropriation.

[New.]

§ 23. Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be passed by the legislature by commissioners who have been appointed by law to revise the statutes.

[Section 25 of article III of the amended constitution of 1890.]

§ 24. Every law which imposes, continues or revives a tax, shall distinctly state the tax and the object to which it is to be applied; and shall not be sufficient to refer to any other law to fix the rate of the tax.

[Section 20 of article III of the amended constitution of 1890.]

§ 25. On the final passage, in either house of the legislature, of any act which imposes, continues or revives a tax, or a charge, or makes, continues or revives any appropriation,

provide for the occupation and industry of the several State prisons, penitentiaries in the State; and on and after the first day of January one thousand eight hundred and ninety-six, no convict in such prison, penitentiary, jail or other place of confinement shall be allowed to work, while under sentence, in any industry or occupation, wherein or whereof the product or profit of his work, shall be sold or disposed of to any person, firm, association or corporation, except as provided herein. This section shall not be construed to prevent the employment of convicts by the State, or any political division thereof, or by any public institution owned or controlled by the State, or any political division thereof.

ARTICLE IV

The executive power shall be vested in a Governor, who shall hold office for two years; a Lieutenant-Governor shall be elected for the same term. The Governor and Lieutenant-Governor shall hold office until and including the thirty-first day of January one thousand eight hundred and ninety-six,

§ 4. The Governor shall be Commander in Chief of the land and naval forces of the State. He shall have the right to pardon and commute the punishment of criminals, and to grant reprieves, and he shall have the right to fill up vacancies in the office of the Governor, or the Senate only, on extraordinary sessions no subject shall be taken up by the Governor may recommend for consideration of the Legislature by message to the Legislature at every session of the State, and recommend such matters to the Legislature. He shall transact all necessary business of the government, civil and military. He shall execute the laws as may be resolved upon by the Legislature, and he shall see that the laws are faithfully executed. He shall receive an annual salary of ten thousand dollars, and he shall have for his use a suitable and furnished executive residence.

[Section 4 of article IV of the amended constitution of the State, change of the word "them" to "it," referring to the Legislature.]

§ 5. The Governor shall have the power to grant commutations and pardons after conviction, for all crimes, and cases of impeachment, upon such conditions, restrictions and limitations, as he may think proper, subject to regulations as may be provided by law relative to applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until he has reported to the Legislature at its next meeting, when he shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature each case of reprieve, pardon granted, stating the name of the convict, the date he was convicted, the sentence and its date, and the commutation, pardon or reprieve.

[Section 5 of article IV of the amended constitution of the State.]

shall receive no salary or compensation, and shall not receive or be entitled to receive any honorarium or perquisite, for any duty performed by the Constitution or by

constitution of 1848, without change.]

shall be presented to the Governor; if he signs it, he shall return it with his objections, which shall have originated, which shall enter the journal, and proceed to reconsider it. If two-thirds of the members elected to the house, by which it shall likewise be reconsidered by two-thirds of the members elected to the Senate, shall vote in favor of the bill, it shall be sent together with the Governor, and the names of the members voting in favor of each house respectively. If any bill shall be presented to him, the same shall be returned to the Governor within ten days (Sundays excepted), unless the Legislature shall prevent its return, in which case it shall be returned to the Governor. No bill shall be presented to the Governor within thirty days after such adjournment of the Legislature, unless the Governor shall have signed it, unless the Legislature shall prevent its return, in which case it shall be returned to the Governor. No bill shall be presented to the Governor within thirty days after such adjournment of the Legislature, unless the Governor shall have signed it, unless the Legislature shall prevent its return, in which case it shall be returned to the Governor.

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the amended constitution of 1846, amended, by striking out the sentence relating to the office of canal commissioner.]

The State Prisons shall be appointed by the Governor, with the advice and consent of the Senate, and hold office until removed; he shall give security for the faithful discharge of his duties; he shall have the superintendence and control of State prisons, subject to such laws as may hereafter be enacted; he shall appoint the wardens and chaplains of the prisons. The agent of the Governor shall appoint all other officers of such prisons, subject to the approval of the same by the Senate. The Controller shall appoint the clerks of the prisons. The agent shall have all the powers and perform the duties of the Inspectors of State Prisons. The Governor may remove the agent for cause at any time, giving to him notice in writing, and an opportunity to be heard in his defense.

[The sentence relating to the abolishing of the prisons is omitted.]

Section 1 of article V of the amended constitution.
§ 8. All offices for the weighing, measuring, or
certifying any merchandise, produce, or
whatever, are hereby abolished; and no new offices
created by law; but nothing in this section shall
prevent any office created for the purpose of protecting
the interests of the State in its property, or
of supplying the people with correct
measures, or shall prevent the creation of any
office hereafter.

Section 8 of article V of the amended constitution.

§ 9. Appointments and promotions in the army
and of all the civil divisions thereof, including
shall be made according to merit and fitness to be
as practicable, by examinations, which, so far as
competitive; provided, however, that honorably
and sailors from the army and navy of the United States
civil war, who are citizens and residents of this State,
to preference in appointment and promotion with
standing on any list from which such appointments
be made. Laws shall be made to provide for the
section.

[New.]

[The following article is a substitute for article VI of the
constitution of 1846, and the notes at the end of the following sections
similar provisions in the sections of such article.]

county of Kings to be made on the second Tuesday of June, one thousand eight hundred and ninety-five, shall be made by the common council of the said city and the board of supervisors of said county, assembled in joint session. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same senate district, than the population of a town or block therein adjoining such assembly district. Towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the state enumeration of one thousand eight hundred and ninety-two, so far as may be, instead of blocks. Nothing in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the Legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same.

[New, superseding section 5 of article III of the amended constitution of 1846, and the assembly apportionment made by Laws of 1892, chapter 397.]

§ 6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route, Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such members of the Assembly, not exceeding nine members, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

[Section 6 of article III of the amended constitution of 1846, without change.]

§ 7. No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

[Section 7 of article III of the amended constitution of 1846, without change.]

1906.]

[Amended and adopted November 7, 1894, and substituted for and has the jurisdiction of the constitution of 1846, article VI, sections 7 8th ed., p. 291.]

§ 3. No Judge or Justice shall sit in the Court of Appeals in review of a decision of a court of which he was at the time a sitting judge. In equity cases shall be taken in like manner, except as herein otherwise provided, the same power to alter and regulate the jurisdiction in law and in equity that it has heretofore exercised.

[Section 8 of article VI of the amended constitution.]

§ 4. The official terms of the Justices of the Supreme Court shall be fourteen years from and including the first day of January after their election. When a vacancy shall occur by the expiration of term in the office of Justice of the Supreme Court, the same shall be filled for a full term, at the next general election, opening not less than three months after such expiration, until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate be in session, or by

Appeals from inferior courts of Common Pleas for the county of Erie to the Superior Court of Buffalo shall be heard in such manner and by such number of judges as the Division in the respective department of the Erie and Buffalo shall direct, unless other-

wise provided in article VI of the amended constitution.

The offices of Oyer and Terminer are abolished on the first of December, one thousand eight hundred and eighty-five. Jurisdiction shall thereupon be vested in the Supreme Court for all actions and proceedings then pending in the offices of Oyer and Terminer to the Supreme Court for hearing and decision. The Supreme Court, except as otherwise provided in this article, may hold court in any county.

The chief judge and associate judges now in the offices until the expiration of their respective terms, who shall be chosen by the electors of the county of Erie, shall continue in office until the expiration of their terms and including the first day of January, one thousand eight hundred and eighty-six. Five members of the court shall form a quorum and a majority of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, and to fix its compensation whenever and as often as a majority of the

in case the Governor, or the Governor and Council, shall fail to make an appointment of Chief Justice, or of any Associate Judges, a temporary appointment shall be made in like manner, but in such case the Chief Judge shall not be deemed to vacate his office any longer than until the expiration of the term of the Judge. The powers and jurisdiction of the Court shall be suspended for want of appointment or election of a majority of the Judges is sufficient to constitute a quorum. This section shall continue until and including the year next after the election at which the vacancy occurs.

[Section 3 of article VI of the amended constitution changed in language.]

§ 9. After the last day of December, one thousand and ninety-five, the jurisdiction of the Court of Appeals, when the judgment is of death, shall be limited to the review of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting the verdict shall sustain a finding of fact or a verdict not directed by the law, reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken, as of right, to the Appellate Division from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining action in proceedings, and from orders granting new trials and setting aside judgments, if the appellants stipulate that upon affirmance judgment shall be rendered against them. The Appellate Division may, however, allow an appeal upon any question of law, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Appellate Division and the right of appeal thereto, but such restriction shall not depend upon the amount involved.

of the constitution of 1846 amended.]

The judges and Justices mentioned shall receive compensation as established by law, which shall not be diminished during their official terms, except as provided in this article. No person shall hold the office of Judge or Justice longer than until and including the last day of December next after he shall be seventy years of age. No person shall, on the first day of January, one thousand eight hundred and ninety-four, shall be entitled to receive any compensation of December next after he shall be seventy years of age. The compensation of every Judge of the Supreme Court elected prior to January first, one thousand eight hundred and ninety-four, or whose present term of office shall be, shall be continued during the remainder of the term of office of any such Judge or Justice may, with his consent, be assigned by the Governor, from time to time, to any duty and his compensation is so continued.

This section is the first sentence of section 14 of article 3 of the constitution of 1846, with amendment. The sentence relating to the compensation of the same provision contained in section 13 of the constitution of 1846. The provisions relating to the duty in the supreme court after the expiration of the term of office of any such Judge or Justice may, with his consent, be assigned by the Governor, from time to time, to any duty and his compensation is so continued.

The court shall have the power of impeachment, by a majority of the members elected. The court for the trial of impeachments shall be composed of the President of the Senate, the Vice President of the Senate, and the Judges of the Court of

and their successors shall be chosen at the general election in that year.

[Section 1 of article IV of the amended constitution of 1846, amended by changing the term of office of the governor and lieutenant-governor from three to two years.]

§ 2. No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years next preceding his election a resident of this State.

[Section 2 of article IV of the amended constitution of 1846, without change.]

§ 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature at its next annual session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

[Section 3 of article IV of the amended constitution of 1846, without change.]

§ 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

[Section 4 of article IV of the amended constitution of 1846, amended by a change of the word "them" to "it," referring to the legislature, in the fourth sentence.]

§ 5. The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

[Section 5 of article IV of the amended constitution of 1846, without change.]

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the vacancy shall be so filled as to prevent the business of the Court from being interrupted. In making the appointment, the Governor may call upon the members of the Bar, and may, if he sees fit, appoint a temporary Chief Judge, who shall be made in like manner; but in such case the Chief Judge shall not be deemed to vacate his office any longer than until the expiration of the term of the Judge. The powers and jurisdiction of the Court shall be suspended for want of appointment or election of a Chief Judge. If the number of Judges is sufficient to constitute a quorum, this section shall continue until and including the year next after the election at which the vacancy occurs.

[Section 8 of article VI of the amended constitution has been changed in language.]

§ 9. After the last day of December, one thousand and ninety-five, the jurisdiction of the Court of Appeals, when the judgment is of death, shall be limited to the review of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting a finding of fact or a verdict not directed by the law shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken, as of right, to the Court of Appeals from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions, proceedings, and from orders granting new trials on the ground that the appellants stipulate that upon affirmance judgment shall be rendered against them. The Appellate Division may, however, allow an appeal upon any question of law, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but the right of appeal shall not depend upon the amount involved.

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[Section 3 of article VI of the amended constitution changed in language.]

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...during the remainder of the term
...such Judge or Justice may, with his
...vernor, from time to time, to any duty
...this compensation is so continued.

...is the first sentence of section 14 of article
...1846, with amendment. The sentence relating
...of the same provision contained in section 13
...stitution of 1846. The provisions relating to
...duty in the supreme court after the expiration

...have the power of impeachment, by a
...members elected. The court for the trial of
...posed of the President of the Senate, the
...of them, and the Judges of the Court of

residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall, within the department to which he may be designated to perform the duties of an appellate justice, exercise any of the powers of a justice of the Supreme Court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel, but any justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the supreme court and exercise any of the powers of a justice of the supreme court in any county or judicial district in any other department of the state. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the Supreme Court at its general terms and by the general terms of the Court of Common Pleas for the city and county of New York, the Superior Court of the city of New York, the Superior Court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor. [Amended by vote of People, Nov. 7, 1905.]

[Amended and adopted November 7, 1899. The appellate division is a substitute for and has the jurisdiction of the former general term. See amended constitution of 1846, article VI, sections 7 and 28, and L. 1883, chap. 329, R. S., 8th ed., p. 291.]

§ 3. No Judge or Justice shall sit in the Appellate Division or in the Court of Appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

[Section 8 of article VI of the amended constitution of 1846, amended ante.]

§ 4. The official terms of the Justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of Justice of the Supreme Court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or

shall receive compensation by law, which shall not be increased during official terms, except as provided by law. No person shall hold the office of Judge of the Supreme Court until and including the last day of January, one thousand eight hundred and seventy years of age. No person shall be entitled to receive any compensation after the first day of January next after he shall be elected. The compensation of every Judge of the Supreme Court elected prior to the first day of January, one thousand eight hundred and ninety-four, shall be continued until the expiration of his term of office, whose present term of office shall be, and who have served as such Judge or Justice ten years or more during the remainder of the term of office. Any such Judge or Justice may, with his consent, be appointed by the Governor, from time to time, to any duty in the supreme court after the expiration of his term of office, and his compensation is so continued.

This is the first sentence of section 14 of article 1 of the constitution of 1846, with amendment. The sentence relating to the compensation of the same provision contained in section 13 of the constitution of 1846. The provisions relating to the duty in the supreme court after the expiration

shall have the power of impeachment, by a majority of the members elected. The court for the trial of impeachments of the President of the Senate, the Governor, and the Judges of the Court of

in actions for the recovery of money or property in the county, and in which the sum demanded does not exceed two thousand dollars, hereafter enlarge or restrict the jurisdiction of the County Court thereof, provided, however, that their jurisdiction be not extended as to authorize an action therein for a sum in excess of two thousand dollars, in which the sum demanded exceeds two thousand dollars, which any person not a resident of the county may bring.

Courts of Sessions, except in the county of New York, from and after the last day of December, one thousand and ninety-five. All the jurisdiction of the County Court of any county, except the county of New York, shall be transferred to the County Court thereof, and all actions and proceedings pending in such Courts of Sessions shall be transferred to the County Courts for hearing and determination. Every Judge of the County Court of any county shall perform such duties as may be required by law, and the salary of such Judge, as established by law, payable out of the county treasury. The Judge of any county may hold County Courts in any other county when requested by the judge of such other county.

[Some of the provisions of this section are taken from Article VI of the amended constitution of 1846. The jurisdiction limit is now two thousand dollars instead of one thousand dollars. The provisions are abolished and their jurisdiction conferred upon the County Courts.]

§ 15. The existing Surrogates' Courts are continued. The Surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of the respective counties, and their terms of office shall be for two years in the county of New York, where they shall continue for four years. Surrogates and Surrogates' Courts shall have the same duties and powers which the Surrogates and existing Surrogates' Courts have.

[amended constitution of 1846, amended.]

Justices of the Peace shall, at their annual town meetings, be elected in such manner as the Legislature may direct, whose term of office shall be for one year, and to fill a vacancy occurring before the expiration of the term they shall hold for the residue of the term. Their powers and classification may be regulated by law. Justices and judges or justices of inferior courts may be removed for cause, after notice of being heard, by such courts as are authorized. Justices of the Peace and District Justices shall be elected in the different cities of this State in such manner as may be provided by law, and for such terms, respectively, as may be provided by law; all other judicial officers in cities, towns and villages shall be elected by the electors of such cities, or appointed by

[amended constitution of 1846, amended.]

The Legislature may create courts of civil and criminal jurisdiction may be created, but no inferior local court hereafter created shall have any record. The Legislature shall not hereafter create any inferior or local courts of its creation, any court having greater jurisdiction in other respects than the courts created by or under this article. Except as otherwise provided, all judicial officers shall be elected or

It is provided in the Constitution that the Governor shall have the power to appoint and remove Justices of the Peace and other local judges. The Governor shall also have the power to appoint and remove Justices of the Peace and other local judges. The Governor shall also have the power to appoint and remove Justices of the Peace and other local judges.

This section contains the provisions of the constitution of 1846. The remainder of the constitution of 1846 is contained in the following sections.

§ 21. The Legislature shall provide for all statutes, and shall regulate the courts; but all laws and judicial action by any person.

[Section 23 of article VI of the amended constitution]

§ 22. Justices of the Peace and other local judges for in sections seventeen and eighteen, in effect, shall hold their offices until the expiration of their terms.

[Section 25 of article VI of the amended constitution]

§ 23. Courts of Special Sessions shall have jurisdiction of offenses of the grade of misdemeanors as may be provided by law.

[Section 26 of article VI of the amended constitution]

ARTICLE VII

Section 1. The credit of the State shall not be given or loaned to or in aid of any individual, partnership, corporation, or other body politic.

[Section 9 of article VII of the amended constitution]

§ 2. The State may, to meet casual deficits or for expenses not provided for, contract

[illegible]

claim may be prosecuted until the liability is removed.

[Section 14 of article VII of the amended constitution striking out certain provisions probably should be inserted.]

§ 7. The lands of the State, now owned by the State, constituting the forest preserve as now fixed by law, shall be held as wild forest lands. They shall not be sold, leased, conveyed or be taken by any corporation, public or private, nor shall thereon be sold, removed or destroyed.

§ 8. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Seneca canal, or the Black River canal; but they shall remain the property of the State and under its management. No prohibition of lease, sale or other disposition hereinafter made shall apply to the canal known as the Main and Erie canals, situated in the city of Buffalo, and which extend from the westerly line of Main street to the westerly line of Erie street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, maintenance or repair of the remaining portions of the canal.

[Section 6 of article VII of the amended constitution of 1894.]

§ 9. No tolls shall hereafter be imposed on boats or cargo transported on the canals, but all boats navigating the canals, the owners and masters thereof, shall be subject to the regulations as have been or may hereafter be enacted for the navigation of the canals. The Legislature shall impose reasonable taxes, make provision for the expenses of the maintenance and repairs of the canals. All contracts for work on the canals shall be made with the persons who shall be able to provide the same at the lowest price, with adequate security and performance. No extra compensation shall be paid to the contractor; but, if, from any unforeseen cause, the contractor

may be authorized by law for the improvement of highways shall be determined by law, and also provide for the equitable apportionment of the same. The aggregate of the debts of the county shall not at any one time exceed the sum of \$100,000, and the payment of the annual interest on such debts shall be provided for out of a sinking fund of at least two per cent of the principal at maturity shall be provided for. The force and effect shall not be diminished by any debt created thereunder. The legislature shall require the county or town or both to pay the proportionate part of the cost of any improvements within the boundaries of such county or town and the interest thereon, but no county shall at any time be required to pay more than thirty-five hundred dollars on a highway, and no town more than fifteen hundred dollars. The provisions of the fourth section of this article for the improvement of highways hereby amended by vote of People. Nov. 7, 1905.]

ARTICLE VIII

Corporations may be formed under general laws; but no special act, except for municipal purposes, and no act of the Legislature, the objects of the same shall be attained under general laws. All general

§ 7. The lands of the State, now owned by the State, and the forest preserve as now fixed by law, shall not be sold, removed or destroyed. They shall not be taken by any corporation, public or private, nor be sold, removed or destroyed.

§ 8. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Seneca canal, or the Black River canal; but the property of the State and under its management, shall not be subject to lease, sale or other disposition hereunder. This shall apply to the canal known as the Main and Black River canal situated in the city of Buffalo, and which extends from the westerly line of Main street to the westerly line of Black River. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, maintenance or repair of the remaining portions of the canal.

[Section 6 of article VII of the amended constitution of 1894]

§ 9. No tolls shall hereafter be imposed on boats transported on the canals, but all boats navigating the canals, the owners and masters thereof, shall be subject to the regulations as have been or may hereafter be enacted for the navigation of the canals. The Legislature shall impose reasonable taxes, make provision for the expenses of the canals and repairs of the canals. All contracts for work on the canals shall be made with the persons who shall be able to perform the same at the lowest price, with adequate performance. No extra compensation shall be paid to the contractor; but, if, from any unforeseen cause, the contractor

shall have no power to pass any act for banking purposes; but corporations of such purposes under general laws.

[Section 4 of article VIII of the amended constitution]

§ 5. The Legislature shall have no power to issue in any manner, directly or indirectly, any payments, by any person, association or corporation, notes of any description.

[Section 5 of article VIII of the amended constitution]

§ 6. The Legislature shall provide by law for the issue of notes, issued or put in circulation as money, with ample security for the redemption of the same.

[Section 7 of article VIII of the amended constitution]

§ 7. The stockholders of every corporation or association for banking purposes, shall be individually liable for the amount of their respective share or shares of such corporation or association, for all its debts and liabilities of every kind.

[Section 7 of article VIII of the amended constitution]
(See Barnes v. Arnold, 23 Misc. Rep. 197.) (1898.)

§ 8. In case of the insolvency of any bank or association, the billholders thereof shall be entitled to preferential claims over all other creditors of such bank or association.

[Section 8 of article VIII of the amended constitution]

any county shall be absolutely prohibited from incurring any indebtedness in excess of such amount. No county or city whose power of taxation of the assessed valuation of property shall be allowed to become indebted in excess of such indebtedness shall be reduced within five years. This shall be construed to prevent the issuing of revenue bonds issued in anticipation of future revenues actually contained, or to be contained, in such year when such certificates or revenue bonds are out of such taxes. Nor shall this section prevent the issue of bonds to provide for the redemption of the bonds issued to provide the redemption of the said bonds for their redemption, which will produce an amount equal to the principal and interest of said bonds at their maturity. No revenue or revenue bonds issued in anticipation of future revenues, which are not retired within five years, and bonds issued to provide for the supply of water hereafter incurred by any portion or part of such debt, shall be included in ascertaining the amount of indebtedness otherwise indebted; except that debts incurred in New York after the first day of January, 1890, to provide for the supply of water shall not be included. Whenever the boundaries of any city are the same as the county, or when any city shall include within its boundaries the whole of the county, the power of any county wholly to become indebted shall cease, but the

any shall be confined, a state commission shall be created, and shall inspect all institutions, either public or private, for the care and treatment of the insane (not including lunatics or idiots); a state commission shall also inspect all institutions used for the detention of persons guilty of crime or convicted of crime, or detained as vagrants.

[New.]

§ 12. The members of the said board and commission shall be appointed by the Governor, by and with the consent of the Senate; and any member may be removed by the Governor for cause, an opportunity having first been heard in his defense.

[New.]

§ 13. Existing laws relating to institutions, including existing sections and to their supervision and inspection, if such laws are not inconsistent with the provisions of this article, shall remain in force until amended or repealed. The visitation and inspection herein provided for shall be in addition to and not in place of other visitation and inspection now authorized.

[New.]

§ 14. Nothing in this Constitution contained shall prevent the Legislature from making such provision and support for the deaf and dumb, and juvenile delinquents, as may be proper; or prevent any county, city, town or village from making provision for the care, support, maintenance and secular education of orphan asylums, homes for dependent children, and other institutions, whether under public or private control.

of the United States deposit fund, the capital of the United States deposit fund, shall be increased, modified or otherwise, shall be exercised by not less than

of the common school fund, the capital of the United States deposit fund, shall be increased, modified or otherwise, shall be exercised by not less than

the amended constitution of 1846, without change.]

nor any subdivision thereof, shall use its public money, or authorize or permit either indirectly, in aid or maintenance, other than under the control or direction of any religious which any denominational tenet or doctrine is

§ 2. All county officers whose election is provided for by this Constitution, shall be elected by the respective counties or appointed by the county authorities, as the Legislature shall direct. Village officers, whose election or appointment is provided for by this Constitution, shall be elected by the villages and villages, or of some division thereof, or by the people thereof, as the Legislature shall direct. All other officers, whose election or appointment is provided for by this Constitution, and all officers, whose offices are created by law, shall be elected by the people, unless the Legislature may direct.

[Section 2 of article X of the amended constitution of 1892.]

§ 3. When the duration of any office is not provided for by this Constitution it may be declared by law, and if not so declared, shall be held during the pleasure of the appointing authority.

[Section 3 of article X of the amended constitution of 1892.]

§ 4. The time of electing all officers named in this Constitution shall be prescribed by law.

[Section 4 of article X of the amended constitution of 1892.]

§ 5. The Legislature shall provide for filling vacancies in offices created by this Constitution, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment until the commencement of the political year next succeeding the election after the happening of the vacancy.

[Section 5 of article X of the amended constitution of 1892.]

[amended constitution of 1846, without change.]

male citizens between the ages of
who are residents of the State, shall
however, to such exemptions as are
by the laws of the United States,
State.

[amended constitution of 1846, amended.]

provide for the enlistment into the active
may make application to be so enlisted.

in the amended constitution of 1846, although
therein.]

organized and divided into such land and
forces as the Legislature may deem
that there shall be maintained at all times
thousand enlisted men, fully uniformed,
and ready for active service. And it
Legislature at each session to make sufficient
maintenance thereof.

shall appoint the chiefs of the several staff
camp and military secretary, all of whom
his pleasure, their commissions to expire with
Governor shall have been elected; he shall

Section 1. It shall be the duty of the Legislature to provide for the organization of cities and incorporated towns, and to fix the limits of their power of taxation, assessment, borrowing, and loaning their credit, so as to prevent the contracting debt by such municipal corporations; to regulate and fix the wages or salaries of labor, and make provision for the protection of persons employed by the state or by any county or other civil division of the state, or by any contractor performing work, labor or services for any county, city, town, village or other civil division, by vote of People, Nov. 7, 1905.]

[Section 9 of article VIII of the amended constitution change.]

§ 2. All cities are classified according to the population, as from time to time made, as follows: The first class, all cities having a population of two hundred and fifty thousand and more; the second class, all cities having a population of one hundred thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the property, administration, and the several departments thereof, are general city laws; and special city laws; general city laws are those which relate to the cities of one or more classes; special city laws relate to a single city, or to less than all the cities of a class. City laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law has been passed by both branches of the Legislature, the bill which it originated shall immediately transmit

Adopted by vote of

highway supervisors and judicial
city or part of a city,
New York and Kings,
as those of a city,
the Tuesday succeeding the
year, and the term of
the end of an odd-numbered year.
elected before the first day of
and ninety-five, whose succes-
which under existing laws would
or in an odd-numbered year and
to and including the last day of
time when such terms would otherwise
such officers, which under existing
odd-numbered year, and before the end
to expire at the end of the preceding year.
to any city of the third class, or to elec-
, except judges and justices of inferior

ARTICLE XIII

the Legislature, and all officers executive
inferior officers as shall be by law exempted
the duties of their respective offices, take
oath or affirmation: "I do solemnly

personal advantage, or the private interest of himself or of any other person, shall be deemed guilty of a misdemeanor, and shall be liable to punishment therefor. Any public officer, or person elected or appointed to office, who, in the performance of his official duties, shall be influenced thereby, shall be deemed guilty of a misdemeanor, and shall be liable to punishment therefor. This section shall not affect the validity of any act done by a public officer, or person elected or appointed to office, in the performance of his official duties, to the offense of bribery.

[Section 1 of article XV of the amended constitution of the State of New York]

§ 3. Any person who shall offer or promise a bribe to any public officer, or person elected or appointed to office, and who shall be received, shall be deemed guilty of a misdemeanor, and shall be liable to punishment, except as herein provided. Any person who shall, upon any prosecution of the officer to whom such bribe was offered, be privileged from testifying in relation thereto, shall be liable to civil or criminal prosecution therefor. Any person who shall give or offer such bribe, or who shall promise a bribe, if it be rejected by the officer to whom it was offered, shall be deemed guilty of an attempt to bribe, and shall be declared to be a felony.

[Section 2 of article XV of the amended constitution of the State of New York]

§ 4. Any person charged with receiving a bribe, or with promising a bribe, shall be permitted to testify in any civil or criminal prosecution therefor.

[Section 3 of article XV of the amended constitution of the State of New York]

§ 5. No public officer, or person elected or appointed to office, under the laws of this State, shall directly or indirectly demand, accept, receive or consent to receive any money, or any other benefit, or for the use or benefit of another, any free transportation, franking privilege or discrimination in the rates of telegraph or telephone rates, from any person or corporation, or from the use of the same himself or in conjunction with any other person. Any person who violates any provision of this section, shall be guilty of a misdemeanor, and shall forfeit his office at the next meeting of the General Assembly. Any corporation, or officer or agent thereof, who violates any provision of this section, shall be guilty of a misdemeanor, and shall be liable to punishment therefor.

amendments to this Constitution shall be introduced in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, the amendment or amendments shall be entered on the journals of each house and days taken thereon, and referred to the people at the next general election of senators, to be held twelve months previous to the time of making the next Legislature so next chosen, as aforesaid. If the amendment or amendments shall be agreed to by a majority of the members elected to each house, then it shall be referred to the people to submit such proposed amendment or amendments for approval in such manner and at such time as the people shall prescribe; and if the people shall approve the amendment or amendments by a majority vote, such amendment or amendments shall become a part of the Constitution from and after the first day of January next following approval.

[This section of the amended constitution of 1846, amended.]

A convention to be held in the year one thousand nine hundred and every twentieth year thereafter, and also at such other times as the Legislature may by law provide, the question, whether a convention to revise the Constitution and amend the same shall be called by the electors of the State; and in case a convention shall be called, the electors of every senate district of the State shall elect three delegates at the next ensuing general election, which members of the Assembly shall be elected by the electors of the State voting at the same election shall be elected at large. The delegates so elected shall con-

[The part of this section relating to the
substantially the same as section 2 of article
1846. The remainder of the section is new.]

§ 3. Any amendment proposed by a
ing to the same subject as an amendment
coincidentally submitted to the people for
tion held in the year one thousand eight
at any subsequent election, shall, if approved,
the amendment so proposed by the legislature.

[New.]

ARTICLE XV

Section 1. This Constitution shall be in force
the first day of January, one thousand eight
except as herein otherwise provided.

Done in Convention at the Capitol in
twenty-ninth day of September, in the year one
dred and ninety-four, and of the Independence
of America the one hundred and nineteenth.

In witness whereof, we have hereunto subscri

JOSEPH HARRIS
President and conf

CHARLES ELLIOTT FITCH,
Secretary.

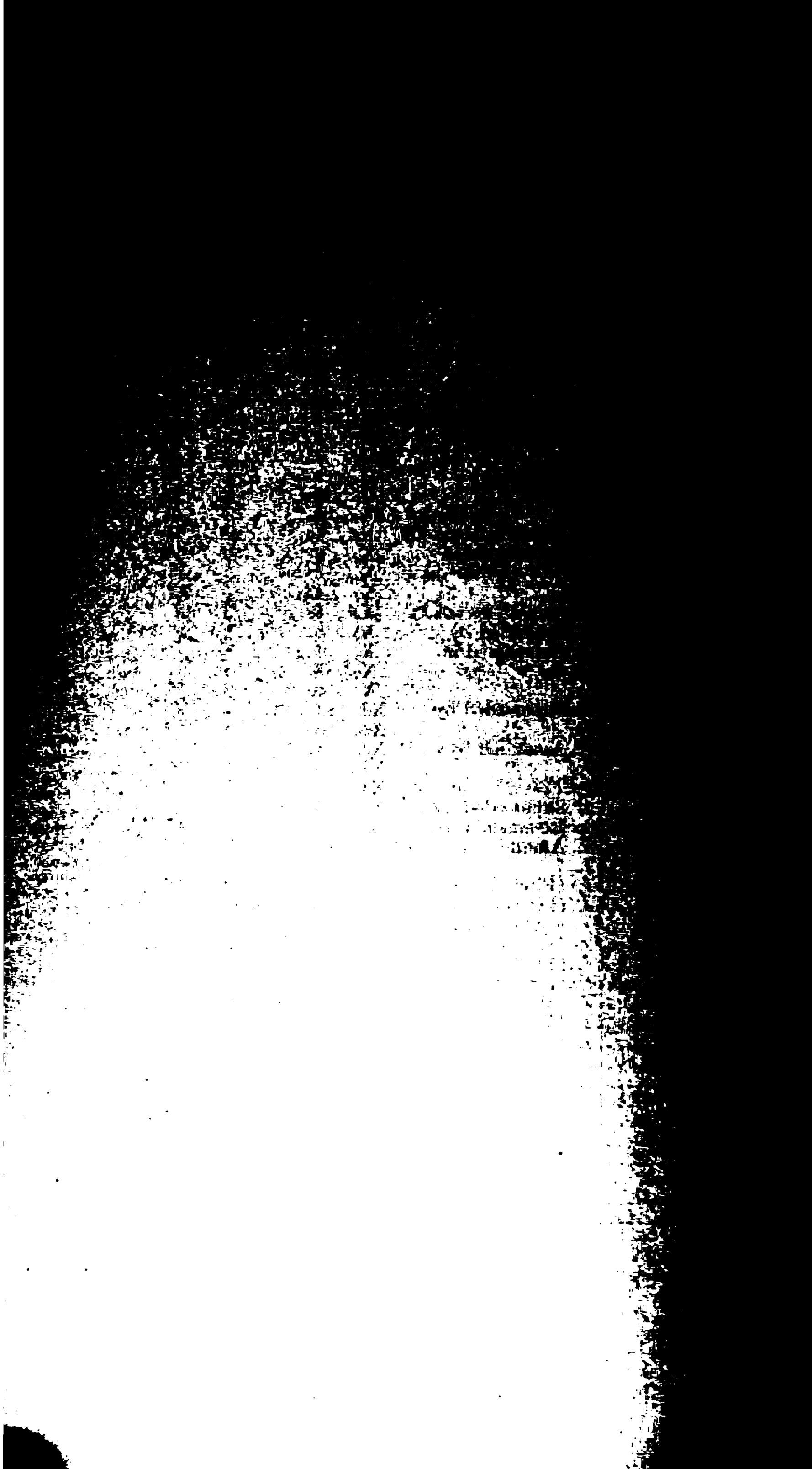
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		III,	8.
		III,	9.
		III,	10, amended.
		III,	11.
		III,	12.
		III,	13.
		III,	14.
		III,	15, amended.
		III,	16.
		III,	17.
		III,	18, amended in language.
		III,	19.
		I,	9.
		VII,	8.
New.	Art.	III,	25.
		III,	20.
		III,	21.
		III,	22.
		III,	23.
		III,	24.
New.	Art.	IV,	1, amended.
		IV,	2.
		IV,	3.
		IV,	4.
		IV,	5.
		IV,	6.
		IV,	7, amended.
		IV,	8.
		IV,	9.
		V,	1, amended.

VI	12	Art.	VI	12	
VI	13	Art.	VI	13	
VI	14	Art.	VI	14	
VI	15	Partly new,	VI	15	
VI	16	Art.	VI	16	
VI	17		VI	17	
VI	18		VI	18	
VI	19		VI	19	
VI	20	Partly new,	VI	20	
VI	21	Art.	VI	21	
VI	22		VI	22	
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VII	3		VII	11	
VII	4		VII	12, amended.	
VII	5		VII	13	
VII	6		VII	14, amended.	
VII	7	New.			
VII	8	Art.	VII	6, amended.	
VII	9		VII	8, amended.	
VII	10	New.			
VIII	1	Art.	VIII	1.	
VIII	2		VIII	2.	
VIII	3		VIII	3.	
VIII	4		VIII	4.	
VIII	5		VIII	5.	
VIII	6		VIII	6.	
VIII	7		VIII	7, amended.	
VIII	8		VIII	8.	
VIII	9		VIII	10.	
VIII	10		VIII	11, amended.	
VIII	11-15	New.			
IX	1	New.			
IX	2	New.			
IX	3	Art.	IX	1.	
IX	4	New.			
X	1	Art.	X	1, amended.	
X	2		X	2.	
X	3		X	3.	
X	4		X	4.	
X	5		X	5.	
X	6		X	6, amended.	
X	7		X	7.	

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VI,	2	Amended by	VI, § 1
VI,	3	"	VI, § 1
VI,	4	(Causes referred to court)	VI, § 1
VI,	5	Abrogated.	VI, § 1
VI,	6	(Commissioners of	VI, § 1
VI,	7	Superseded by Art.	VI, § 1
VI,	8	"	VI, § 1
VI,	9	Amended by	VI, § 1
VI,	10	"	VI, § 1
VI,	11	Re-enacted in	VI, § 1
VI,	12	Amended by	VI, § 1
VI,	13	Superseded by Art.	VI, § 1
VI,	14	(City courts) repealed by	VI, § 1
VI,	15	"	VI, § 1
VI,	16	Amended by	VI, § 1
VI,	17	"	VI, § 1
VI,	18	(Question of election of	VI, § 1
VI,	19	Abrogated.	VI, § 1
VI,	20	Amended by Art.	VI, § 1
VI,	21	"	VI, § 1
VI,	22	"	VI, § 1
VI,	23	Superseded by	VI, § 1
VI,	24	"	VI, § 1
VI,	25	Amended by	VI, § 1
VI,	26	(First election of judges.)	VI, § 1
VI,	27	Amended by Art.	VI, § 1
VI,	28	Re-enacted in	VI, § 1
VII,	1	(Canal debt, etc.)	Abrogated.
VII,	2	(General fund debt, etc.)	Abrogated.
VII,	3	Amended by Art.	VII, § 2
VII,	4	(Loans to incorporated com.	Abrogated.
VII,	5	(Provisions for payment of	Abrogated.
VII,	6	Re-enacted in Art.	VII, § 4
VII,	7	(Salt springs.)	Abrogated.

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our right well beloved counsellors and
our high chancellor of England,
our master of our horse and captain
our right trusty and well beloved William
our right trusty and well beloved
our chancellor of our exchequer, Sir
our vice chamberlain of our house-
our well beloved Sir William Berkley, knight,
our knight and baronet, being excited with a
desire for the propagation of the Christian faith,
our empire and dominions, have humbly
our industry and charge, to transport and
our subjects, natives of our kingdom of
our dominions, unto a certain country
our parts of America not yet cultivated or
our by some barbarous people, who have no
our God.

Edward Earl of Clarendon, George Duke
Lord Craven, John Lord Berkley, Anthony
Carteret, Sir William Berkley, and Sir John
brought us to give, grant and confirm unto
the said country, with priviledges and juris-
the good government and safety thereof: Know

North Carolina, Edited by William L. Saunders,
P. M. Hale, Printer to the State. pp. 20-33.

attorney-general to Charles I, and Bancroft says:
in 1630, permanent plantations were planned and
"design," but the patent was declared void in 1663,
which it had been granted had never been fulfilled.
Heath, p. 69.

ye, therefore, that we, favouring the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, of our special grace, certain knowledge and meer motion, have given, granted and confirmed, and by this our present charter, for us, our heirs and successors, do give, grant and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, all that territory or tract of ground, scituate, lying and being within our dominions of America, extending from the north end of the island called Lucke island, which lieth in the southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within one and thirty degrees of northern latitude, and so west in a direct line as far as the south seas aforesaid; together with all and singular ports, harbours, bays, rivers, isles and islets belonging to the country aforesaid; and also all the soil, lands, fields, woods, mountains, fields, lakes, rivers, bays and islets, scituate or being within the bounds or limits aforesaid, with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the sea, bays, islets and rivers within the premises, and the fish therein taken; and moreover all veins, mines, quarries, as well discovered as not discovered, of gold, silver, gems, precious stones, and all other whatsoever, be it of stones, metals, or any other thing whatsoever, found or to be found within the countries, isles and limits aforesaid.

3d. And furthermore, the patronage and advowsons of all the churches and chappels, which as Christian religion shall increase within the country, isles, islets and limits aforesaid, shall happen hereafter to be erected, together with license and power to build and found churches, chappels and oratories, in convenient and fit places, within the said bounds and limits, and to cause them to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England, together with all and singular the like, and as ample rights, jurisdictions, priviledges, prerogatives, royalties, liberties, immunities and franchises of what kind soever, within the countries, isles, islets and limits aforesaid.

4th. To have, use, exercise and enjoy, and in as ample manner as any bishop of Durham in our kingdom of England, ever heretofore have held, used or enjoyed, or of right ought or could have, use, or enjoy. And them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, we do by these presents, for us, our heirs and successors, make, create and constitute the true and absolute Lords Proprietors of the country aforesaid, and of all other the premises; saving always the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same, and saving also the right, title and interest of all and every our subjects of the English nation, which are now planted within the limits and bounds aforesaid (if any be). To have, hold, possess and enjoy the said country, isles, islets, and all and singular other the premises, to them

the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, Sir John Colleton, their heirs and assigns forever, to be holden of us, our heirs and successors, as of our manner of East Greenwich in our county of Kent, in free and common soccage, and not in capite, or by knight service; yielding and paying yearly to us, our heirs and successors, for the same, the yearly rent of twenty marks of lawful money of England, at the feast of All Saints, yearly forever, the first payment thereof to begin and to be made on the feast of All Saints, which shall be in the year of our Lord one thousand six hundred and sixty-five, and also the fourth part of all gold or silver ore, which, within the limits aforesaid, shall from time to time happen to be found.

5th. And that the country, thus by us granted and described, may be dignified by us with as large titles and priviledges as any other part of our dominions and territories in that region, Know ye, that we of our further grace, certain knowledge, and meer motion, have thought fit to erect the same tract of ground, county, and island, into a province, and out of the fulness of our royal power and prerogative, we do, for us, our heirs and successors, erect, incorporate and ordain the same into a province, and call it the Province of Carolina, and so from henceforth will have it called; and forasmuch as we have hereby made and ordained the aforesaid Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, the true lords and proprietors of all the province aforesaid; Know ye, therefore moreover that we, reposing especial trust and confidence in their fidelity, wisdom, justice and provident circumspection, for us, our heirs and successors, do grant full and absolute power, by virtue of these presents, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, for the good and happy government of the said province, to ordain, make, enact, and under their seals to publish any laws whatsoever, either appertaining to the publick state of the said province, or to the private utility of particular persons, according to their best discretion, of and with the advice, assent and approbation of the freemen of the said province, or of the greater part of them, or of their delegates or deputies, whom for enacting of the said laws, when and as often as need shall require, we will that the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, shall from time to time assemble in such manner and form as to them shall seem best, and the same laws duly to execute upon all people within the said province and limits thereof, for the time being, or which shall be constituted under the power and government of them or any of them, either sailing towards the said province of Carolina, or returning from thence towards England, or any other of our, or foreign dominions, by imposition of penalties, imprisonment or any other punishment; yea, if it shall be needfull, and the quality of the offence requires it, by taking away member and life, either by them, the said Edward Earl of Clarendon, George Duke

that all the free people of us, our heirs and assigns, in the province of Carolina, do observe and keep the laws, statutes, orders, ordinances, and customs therein expressed, or to be expressed, in that behalf made, that the said laws be consonant to reason, and so as conveniently, agreeable to the laws and customs of England.

6th. And because such assemblies of freeholders, conveniently called, as there may be occasion to have, therefore, by these presents, give and grant unto the Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir John William Berkley, and Sir John Colleton, their heirs, themselves or their magistrates, in that behalf made, full power and authority from time to time to make and wholesome orders and ordinances, within the said province, to be kept and observed as well for the keeping of the better government of the people there abiding, as the same to all to whom it may concern; which orders and these presents streightly charge and command to be observed within the said province, under the penalties so as such ordinances be reasonable, and not repugnant, but as near as may be, agreeable to the laws and customs of the kingdom of England, and so as the same ordinances be not to the binding, charging, or taking away of the right of any person or persons, in their freehold, goods or estate.

7th. And to the end the said province may be better increased, by the multitude of people resorting thither, and the more strongly defended from the incursions of and other enemies, pirates and robbers, therefore we

our subjects of this our said kingdom
may be the rather encouraged
with ready and chearful minds, know ye,
by our certain knowledge and meer motion, do
give presents, as well to the said Edward
Duke of Albemarle, William Lord Craven,
Henry Lord Ashley, Sir George Carteret, Sir
John Colleton, and their heirs, as unto all
who at any time repair unto the said province, with
license to lade and freight in any port
and successors, and into the said province
their servants or assigns, to transport all and
merchandises, as likewise all sorts of
other things whatsoever, necessary for the
prohibited by the laws and statutes of our
kingdom, to be carried out of the same, without any
tax, our heirs and successors, or of any other of
whatsoever, saving also to us, our heirs and
successors, and other duties and payments, due for
merchandises, according to the several rates
since the same shall be transported. We will
give presents, for us, our heirs and successors, do
give by this our charter, unto the said Edward
Duke of Albemarle, William Lord Craven,

ways charged, and we do hereby
revoke and annul the same, nevertheless, and we do hereby
give power for the consideration of the said
goods, within knowledge, and meer motion, we do for us,
our heirs and assigns, for us, our heirs and assigns, we do
give unto the said Edward Earl of Clarendon, William
Albemarle, William Lord Craven, John Lord Ashley,
Sir George Carteret, Sir William Colleton, their heirs and assigns, full and sole
authority, at any time or times, from the feast of
Michael the archangel, which shall be in the year of our
one thousand six hundred sixty and seven, to
bring into any of our dominions from the said
or any part thereof, the several goods and things
mentioned, that is to say, silks, wines, currants,
almonds, oyl and olives, without paying or
heirs or successors, any custom, import, or
respect thereof, for and during the term and
commence and be accompted, from and after the
four tons of any the said goods, in any one
from the said province, into any of our dominions,
and carry out of any of our dominions, into the
Carolina, custom free, all sorts of tools which
necessary for the planters there, in the accompani-
ment of the premises, any thing before, in
tained, or any law, act, statute, prohibition or
thing heretofore had, made, enacted or provided,
had, made, enacted or provided, to the contrary
withstanding.

10th. And furthermore, of our own ample and
tain knowledge, and meer motion, we do for us,
cessors, grant unto the said Edward Earl of Clarendon,
of Albemarle, William Lord Craven, John Lord
Lord Ashley, Sir George Carteret, Sir William
John Colleton, their heirs and assigns, full and
authority, to make, erect and constitute, within the

...the said Edward Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, their heirs and assigns, may from time to time hereafter, have full and absolute license, power and authority, to receive, receive, and receive, in the ports, harbors, creeks, and rivers, the said Edward Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, their heirs and assigns, payable for goods, wares, and merchandise, to be laden, or unladed, the said Edward Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, upon any occasion, by themselves, or by any of the free people there, or the greater part of them, for whom we give power by these presents, upon just cause and in a due proportion to the same.

...our special grace, certain knowledge, and full power, granted and confirmed, and by these presents, we, the said Edward Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, their heirs and assigns, do give, grant and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full and absolute license, power and authority, to receive, receive, and receive, in the ports, harbors, creeks, and rivers, the said Edward Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, their heirs and assigns, payable for goods, wares, and merchandise, to be laden, or unladed, the said Edward Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, upon any occasion, by themselves, or by any of the free people there, or the greater part of them, for whom we give power by these presents, upon just cause and in a due proportion to the same.

And because many persons have
served us for their deeds and services, and
deserve of honour and favour, which, in respect
cannot be conveniently conferred by us and
our heirs, and we do by these presents give unto
Edward Earl of Clarendon, George Duke of Albemarle, William
Lord Craven, John Lord Berkley, Anthony Lord Ashley,
Colonel Carteret, Sir William Berkley, and Sir John Colleton,
our especial, full power and authority, to give and grant
such of the inhabitants of the said province, as they
shall merit the same, such marks of favour and titles
as they shall think fit, so as these titles of honour be
not enjoyed by, or conferred upon any the subjects of
England.

14th. And further also, we do by these presents
and successors, give and grant license to them, their
heirs, assigns, and successors, to erect, build, and build up
of Clarendon, George Duke of Albemarle, William
John Lord Berkley, Anthony Lord Ashley, Sir
William Berkley, and Sir John Colleton, their heirs,
power, liberty and license to erect, raise and build
in the said province and places aforesaid, or any part or parts
so many forts, fortresses, castles, cities, boroughs, towns,
other fortifications whatsoever, and the same or any of
and furnish with ordinance, powder, shot, armour,
weapons, ammunition, habilements of war, both offen-
sive, as shall be thought fit and convenient for the service
of the said province and places, or any part thereof, and
any of them from time to time, as occasion shall require,
disfurnish, demolish and pull down, and also to place,
appoint in and over all or any of the castles, forts, towns,

and Sir William Berkley, and Sir John Colleton, their heirs and assigns, by themselves, or their lieutenants, to levy, muster and train all sorts of men wheresoever born, in the said province for the war and pursue the enemies aforesaid, as they shall think fit, even without the limits of the said province to vanquish and take them, and being taken by the law of war, or to save them at their ransom, and every other thing, which unto the charge of an army belongeth, or hath accustomed to be done by any captain general of an army hath or may lawfully be done.

And we do give unto the said Edward, Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, their heirs and assigns, by themselves, or their lieutenants, to levy, muster and train all sorts of men wheresoever born, in the said province for the war and pursue the enemies aforesaid, as they shall think fit, even without the limits of the said province to vanquish and take them, and being taken by the law of war, or to save them at their ransom, and every other thing, which unto the charge of an army belongeth, or hath accustomed to be done by any captain general of an army hath or may lawfully be done.

And we do give unto the said Edward, Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, their heirs and assigns, by themselves, or their lieutenants, to levy, muster and train all sorts of men wheresoever born, in the said province for the war and pursue the enemies aforesaid, as they shall think fit, even without the limits of the said province to vanquish and take them, and being taken by the law of war, or to save them at their ransom, and every other thing, which unto the charge of an army belongeth, or hath accustomed to be done by any captain general of an army hath or may lawfully be done.

...in anything, but he shall be subject to our will and our pleasure in, by them, and that they be subject immediately to us, depending thereof forever, and that the said Province, nor any of them, shall at any time be or be punishable, or be any ways subject or liable to any matter, suit, cause or plaint whatsoever, aforesaid, in any other of our islands, or in America or elsewhere, other than in our Kingdom of Wales.

18th. And because it may happen that some inhabitants of the said province, cannot in their persons to the publick exercise of religion, according to the ceremonies of the church of England, or take oaths and articles, made and established in that behalf, same, by reason of the remote distances of those parts, be no breach of the unity and uniformity established by our will and pleasure therefore is, and we do by this our heirs and successors, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Berkley, Anthony Lord Ashley, Sir John Berkley, and Sir John Colleton, their full and free license, liberty and authority, by such means as they shall think fit, to give and grant unto persons, inhabiting and being within the said parts thereof, who really in their judgments, and for conscience not or shall not conform to the said liturgy and ceremonies, and subscribe the oaths and articles aforesaid, or to indulgencies and dispensations in that behalf, for ever, time and times, and with such limitations and conditions as *the said* Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir John Berkley, and Sir John Colleton, shall think fit.

William Berkeley, Governor of the Colony of Virginia, although express mention is made of any other gifts and grants, to them the said Edward, John, Lord Ashley, William Lord Craven, John, Lord Ashley, Sir George Carteret, Sir John Colleton, or any other person or persons, by any law, statute, ordinance, provision, proclamation, or otherwise, made, published, ordained or proclaimed, in any manner or matter, whatsoever, to the contrary notwithstanding.

Witness our hand at Westminster, the four and twentieth day of August, in the fourth year of our reign, (1668.)

PER IPSUM REGEM.

PROPOSALS OF THE LORD PROPRIETOR OF
CAROLINA, AUG. 25-SEPT. 4, 1663.

25 AUG., 1663.

His Majesty, Charles the second, graciously pleased, by his charter bearing date in the 15th year of his reign, out of a pious regard to the propagation of the Christian faith amongst the heathen Indians, the enlargement of his empire and the enriching of his subjects, to grant and confirm unto John, Lord Clarendon, high chancellor of England, Charles, master of his majesty's horse and captain-general, William, Lord Craven, John, Lord Berkeley,

That the colony shall have power to purchase land, to build and plant, they submitting to the Governor a petition for that purpose; That the first colony may have power to build a fort to fortify the entrance of the river, and to build a house; they engaging to be true and faithful to the King and successors, by some oath or solemn affirmation.

3. That the undertakers of that settlement, or any of them repair thither to settle, present to us the names of those that intend to go, of which number we shall choose thirteen, the Governor, for three years from the date of his coming, more of the thirteen to be of his council, than of any other number, the Governor or his deputy to be one of the thirteen time aforesaid; and will also nominate successors to each of who shall be of the six councillors aforesaid, to succeed in case of death or removal; and likewise nominate the remaining six of the thirteen to succeed in case of death or removal of any of the councillors, and after the expiration of the first three years, and so successively for every three years. On the 25th day of March, before the expiration of the first three years, in, being a new presentment by the freeholders of the colony, such persons as they shall constitute, to be made by the Governor, four of which shall consist of those that shall be present at the time of the election of the thirteen, and the other four upon or before the 10th day of April following, the Governor shall commissionate a Governor and six councillors with their successors in case and manner as aforesaid.

4. We shall, as far as our charter permits us, cause to be chosen part of the freeholders, or their deputies or assistants, to be

...the said plantation to the said
...is granted to us (for our
...of cotton, of sugar,
...from England for the plant
...of the plantations, as wine, oil,
...sugar, currants, almonds, and other
...dominions for seven years
...of every respective species is
....

...undertaker for his own head, one
...his heirs forever, to be held in free
...every man-servant that he shall bring
...best arms, armed with a good firelock
...bullets to the pound, and with twenty
...pounds of bullets, fifty acres of land;
...thirty acres; and to every man-servant
...time, ten acres after the expiration of his
...servant six acres after the expiration of
....

...hereby to be obliged to give the pro-
...mentioned to masters and servants, longer
...to commence at the beginning of the first

...Governor and council to take care that there
...and provided as aforesaid in the colony,
...we shall grant, and that there be a sup-
...in case of death or quitting the colony
...within twelve months after giving notice

...premises, we do expect by way of acknowl-
...the charge we have been and shall be at, one
...that shall be granted as aforesaid, within
...and expressed; and that the court-houses
...meetings be erected by the public moneys of
...taken up by us; but to be and continue to the
...they paying some small acknowledgement.
...this twenty-fifth day of August, Anno

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 Counties
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• Text
(Raleigh, I

...to the ...
...is granted ...
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...dominions ...
...of ...

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shoots his heirs
in every
of their
bullet**

mentioned

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Councill or

...the freedom and liberty
of the said Colonies be made by us
our Council and Assembly w^{ch} shall
be the contrary provided y^e such
stop or order come from the

persons qualified as aforesaid within
the Countyes before exprest at any
punished disquieted or called in
opinion or practice in matters of reli-
gion actually disturbe the civill peace of
the Colonies byt that all and every such person and
persones at all times freely and fully have and
enjoye their consciences and contiences in matt^r of religion
so long as they behaving themselves peaceably
use this Liberty to Lycentiousness nor to the
disturbance of others, any Law statute or
conteyned usuage or custom of this realme
hereof in anywise notwithstanding.

Force may be taken by us our heries or assignes
right of patronage and pow^r of advowson
our Maj^{ties} Letters pattents aforesaid to in-
crease of Liberty of Contience aforesaid
into the Gen^l assemblies of y^e sev^l Countyes
and appoint such and soe many Ministers
as they shall thinke fitt, and to establish their main-
tenance besides to any person or persons to keepe
schools or Ministers they please.

habitants being freemen or chiefe agents to
doe as soone as this our Comission shall
be in our names by the Governor to be for y^e

and made bands and Companyes
made safety strength and defence of
the Forts Castles Cityes &c to
make warr offensive and
and Foraigners as they shall see
sea as well as by land if need be
of y^e s^d County with the perticcu-
under the Conduct of our Leut: Gen:
whome he shall appoint.

give unto all strangers as to them shall
and all such freedomes and priveledges
his Maj^{ties} subjects doe of right belong
as afores^d w^{ch} said strangers see natural-
alsoe have the same Imunityes from Cus-
to us and by us to y^e said Countyes
any other Customes then the rest of his
ties are but be in all respects accompted
es aforesaid as the King's naturall

to prescribe y^e quantities of land which
alotted to eavery free or Sarv^t male or
ordaine Rules for the casting of Lotts for
same provided y^t these doe not their said
proportions which are hereby graunted

shall require.

2. Item according to the constitution of the County to nominate and commissionate the several Justices of the Peace and officers of Courts whether Magistrates or Justices of the Peace or civill officers as Justices Coroners &c and to revoke at pleasure but such as are freeholders in the County with the consent of the Gen^l Assembly;

3. Item according to the constitution of the County to appoint Courts and officers in Cases Criminal and to inflict penaltyes upon offenders against the Lawes and force in y^e said Countyes as y^e said Lawes shall require by fine Imprisonment Banishm^t corporall punishment or death of member of or Life itselfe if there be cause therefor;

4. Item to place officers and soldiers for the defence of the Forts Castles Cittyes &c according to the order by the Gen^l Assembly to nominate place and officers and military officers under y^e dignity of y^e Leut: Gen^l with the consent by us, over the sev^l trayned bands and Companies of the Gen^l Assembly as Collonels Capts: &c and to revoke at pleasure, y^e Leut: Gen: with the consent of the Gen^l Assembly unless some present danger will see permit him to do otherwise and trayne all y^e soldiers wthin the said County of the County to execute warr persue an Enemy suppress rebellion and to do well by sea as Land and to exercise the whole Militia of the County our Letters pattents from the kinge wee can in the County to doe Provided y^t they appoint noe Military officers or freeholders in the s^d Countyes unless y^e Gen^l Assembly shall require;

5. Item where they see cause after condemnation of the Case may be presented with a Coppy of y^e wthin the County and proofes to y^e Lords who will accordingly command execution of y^e sentence on the offender of the County;

...shall be subject to any review reserved to
...never or by any of us or any
...y^e noe man if his Cattle strave
...w^{ch} in the s^d Countyes not actually
...particular persons shalbe lyable to pay
...our heires &c Provided y^e Custome of
...to; nor any person hindred from
...any Lands soe grazed upon and y^e noe
...his Cattle to graze on such land.
...that y^e Inhabitants of the said Countyes
...shall enjoye all the same Immunityes from
...certain goods from these Realmes of Eng-
...hath been graciously pleased to graunt
...arrangement of the Manufact^{re} of wine silke
...menconed in the pattent have prive-
...Custome free into any of his Maj^{ties} domin-
...upon y^e same tearmes as we ourselves may

CHARTER OF CAROLINA—1665 *

...by the grace of God, of Great Britain, France
... Defender of the Faith, &c. WHEREAS, by our
... date the twenty-fourth day of March, in the

... Carolina Colonial Records, pp. 102-114.

... of the Concessions relate to the distribution of land,

fifteenth year of our reign, We were graciously pleased to grant unto our right trusty and right well-beloved Cousin and Counsellor Edward Earl of Clarendon, our High Chancellor of England; our right trusty and entirely beloved Cousin and Counsellor George Duke of Albemarle, Master of our Horse; our right trusty and well-beloved William now Earl of Craven; our right trusty and well-beloved Counsellor John Lord Berkeley; our right trusty and well-beloved Counsellor Anthony Lord Ashley, Chancellor of our Exchequer; our right trusty and well-beloved Counsellor Sir George Carteret, Knight and Baronet, Vice-Chancellor of our Household; our right trusty and well-beloved Sir John Colleton, Knight and Baronet; and Sir William Berkeley, Knight; all that province, territory, or tract of ground, called Carolina, situate, lying and being within our dominions of America; extending from the north end of the island called Luke-Island, which lieth in the Southern Virginia seas, and within thirty-six degrees of north latitude; and to the west, as far as the South-Seas; and so respectively as far as the river of Matthias, which bordereth upon the coast of Florida, and within thirty-one degrees of north latitude; and so west, in a direct line, as far as the South-Seas aforesaid.

Now Know ye, That We, at the humble request of the said grantees, in the aforesaid Letters Patents named, and as a further mark of our especial favour to them, we are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified, and in favour to the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkely, their heirs and assigns, all that province, territory or tract of land, situate, lying and being within our dominions of America aforesaid; extending north and eastward, as far as the north end of Currituck river or inlet, upon a strait westerly line to Wyonoak creek, which lies within or about the degrees of thirty-six and thirty minutes, northern latitude; and so west, in a direct line, as far as the South-Seas; and south and westward, as far as the degrees of twenty-nine, inclusive, of northern latitude; and so west, in a direct line, as far as the South-Seas; together with all and singular the ports, harbours, bays, rivers and inlets, belonging unto the province or territory aforesaid: And also, all the soils, lands, fields, woods, mountains, fers, lakes, rivers, bays and islets, situate or being within the bounds or limits last before mentioned; with the fishings of all sorts of fish, whales, sturgeons, and all other royal fish, in the sea, bays, islets and rivers, within the premises, and the fish therein taken, together with the royalty of the sea upon the coast within the limits aforesaid; and moreover all veins, mines and quarries, as well discovered as not discovered, of gold, silver, gems and precious stones, metal, or any other thing, found, or to be found, within the province, territory, islets and limits aforesaid: And furthermore, the patronage and advowsons of all the churches and chapels, which, as Christian religion shall increase within the province, territory, isles, and limits aforesaid, shall happen hereafter to be erected; together with licence and power to build and found churches, chapels and oratories, in convenient and fit places, within the said bounds and limits; and to cause them to be dedicated and consecrated, according to the ecclesiastical laws of our kingdom

...from the said province, or to be transported into the said province, and such as shall descend from them there born be, and shall be denizens and lieges of us, our heirs and successors, of this our kingdom of England, and be reputed, and reputed, as the liege faithful people of us, our heirs and successors, born within this our said kingdom, or our dominions; and may inherit or otherwise purchase, hold, buy and possess, any lands, tenements, or houses in the said places, and them may occupy and enjoy, and bequeath; as likewise, all liberties, franchises, and other our dominions, and of other our dominions, may and quietly have, possess, and enjoy, as our lieges within the same, without the molestation, vexation, or disturbance, of us, our heirs and successors: Any act, statute, ordinance, or other thing, to the contrary notwithstanding.

And of our especial grace, for us, our heirs and successors, we do give, ordain, constitute, and command, that the said province shall be of our allegiance; and that the subjects and liege people of us, our heirs and successors, or to be transported into the said province, and such as shall descend from them there born be, and shall be denizens and lieges of us, our heirs and successors, of this our kingdom of England, and be reputed, and reputed, as the liege faithful people of us, our heirs and successors, born within this our said kingdom, or our dominions; and may inherit or otherwise purchase, hold, buy and possess, any lands, tenements, or houses in the said places, and them may occupy and enjoy, and bequeath; as likewise, all liberties, franchises, and other our dominions, and of other our dominions, may and quietly have, possess, and enjoy, as our lieges within the same, without the molestation, vexation, or disturbance, of us, our heirs and successors: Any act, statute, ordinance, or other thing, to the contrary notwithstanding.

And that our subjects of this our said kingdom of England, and of our dominions, may be the rather encouraged to go, and to settle themselves, dwell, and inhabit in the said province, with ready and chearful means; Know

...of any other...
...into...
...payments, due for the...
...the several rates of the places...
...transported.

...will also, and by these presents, we, do give and grant licence by us, our heirs and assigns, and to all the inhabitants of the province or territory aforesaid, both present and future, by the absolute authority, to import or unlade, by us, our heirs, assigns, factors, or assigns, all merchandises and goods which shall arise of the fruits and commodities of the said province or territory, either by land or sea, into any the ports, towns, cities, boroughs, or other places, within our kingdom of England, Scotland, Wales, or Town of Berwick upon Tyne, or to dispose of the said goods in the said ports, towns, cities, boroughs, or other places, within one year next after the unlading, to lade the same and goods again into the same or other ships; or to carry the same into any other countries, either of our dominions, or into any country in amity with us, our heirs and successors, so as they shall pay the subsidies and other duties, for the same, to us, our heirs and successors, as the rest of our subjects of this our kingdom of England, being, shall be bound to pay; beyond which, the inhabitants of the said province or territory, shall not be charged: *Provided nevertheless*, and our will and pleasure be, that we have further, for the considerations aforesaid, of our own certain knowledge, and mere motion, given and granted by us, our heirs and assigns, presents, for us, our heirs and successors, do give and grant unto the said Edward Earl of Clarendon, George Duke of Devonshire, John Earl of Craven, John Lord Berkeley, Anthony Carteret, Sir John Colleton, and Sir William Colleton, our heirs and assigns, full and free licence, power and authority, at any time or times, from and after the Feast of St. Michael the last, which shall be in the year of our Lord Christ one thousand six hundred and sixty-seven, as well to import and bring into our dominions, from the said province of Carolina, or from any other the several goods herein after mentioned; that is to say,

to hold to themselves, their heirs and assigns, in full
possession, sole privilege, sole power, sole authority, sole
licence and assign, and not of us, our heirs, nor of any
other person and persons, and in all and singular the
above premises, by these presents, for us, our heirs, and
our assigns, full power, sole privilege, sole authority and power, that such persons, or any of them, or any of their
heirs, or assigns, should, lawfully, lawfully, lawfully, lawfully,
the premises, or any part thereof, of the said Edward,
son, George Duke of Albemarle, William Duke of
Berkeley, Anthony Lord Ashley, Sir George Carteret,
ton, and Sir William Berkeley, their heirs and assigns,
to hold to themselves, their heirs and assigns, in full
possession, sole privilege, sole power, sole authority and power,
itance soever, in fee-simple, or fee-tail, or otherwise,
said Edward Earl of Clarendon, George Duke of Albemarle,
Earl of Craven, John Lord Berkeley, Anthony Lord Ashley,
George Carteret, Sir John Colleton, and Sir William Berkeley,
heirs or assigns, shall seem expedient; the statute made
of Edward, son of King Henry, heretofore called the statute
predecessor, commonly called the statute of the said Edward,
or any other statute, act, ordinance, use, law, custom, or
matter, cause or thing, heretofore published or otherwise,
contrary, in any-wise notwithstanding.

AND because many persons, born and inhabiting the said
in the said colony, for their deserts and services, may expect
marks of honour and favour, which, in respect of the said
cannot be conveniently conferred by us; our will and pleasure
fore is, and we do by these presents, give and grant unto
Edward Earl of Clarendon, George Duke of Albemarle, John
Earl of Craven, John Lord Berkeley, Anthony Lord Ashley,
George Carteret, Sir John Colleton, and Sir William Berkeley,
their heirs and assigns, full power and authority, that they
unto and upon such of the inhabitants of the said colony,
tory, as they shall think do or shall merit the said
favour and titles of honour, as they shall think fit.

...which had fostered, and which
...or upon the same, or upon
...from thence, by him, or by
...or officers, to be authorized
...purpose; to whom also, for us, our heirs,
and grant, by these presents, full power
also martial law against any mutinous
parts; such as shall refuse to submit
or shall refuse to serve in the war, or
take their colours or ensigns, or be
offending against law, custom, or military
in as ample manner and form, as any
by virtue of his office, might or hath accustomed.

AND our further pleasure is, and by these
heirs and successors, we do grant unto the
Clarendon, George Duke of Albemarle, John
John Lord Berkeley, Anthony Lord Ashburnham,
Sir John Colleton, and Sir William Berkeley,
and to the tenants and inhabitants of the said
both present and to come, and to every of them
in or territory, and the tenants and inhabitants
from henceforth, be held or reputed any
colony whatsoever in America, or elsewhere,
made, or hereafter to be transported or made,
on, or subject to their government in any
separated and divided from the same; and our
presents, that they be separated, and that
diately to our Crown of England, as dependent
And that the inhabitants of the said province or
them, shall, at any time hereafter, be compelled
be any ways subject or liable to appear or answer
cause or plaint whatsoever, out of the province
in any other of our islands, colonies, or dominions
elsewhere, other than in our realm of England
Wales.

...shall make their abode, and
...may, from time to time,
...have and enjoy his and their
...of religion, throughout all the
...believing themselves peaceably, and
...nor to the civil injury, or out-
...law, statute, or clause, contained or
...of our realm of England, to the con-
...withstanding.

...that any doubts or questions shall
...sense and understanding of any word,
...in this our present charter; we will,
...in all times, and in all things, such inter-
...and allowed in all and every of our courts
...may be adjudged most advantageous and
...Edward Earl of Clarendon, George Duke of
...of Craven, John Lord Berkeley, Anthony
...Carteret, Sir John Colleton, and Sir Wil-
...and assigns, although express mention, &c.
...at Westminster, the thirtieth day of June, in
...our reign.

PER IPSUM REGEM.

of any one of the seven great officers, the proprietor shall have his choice of the same.

Three. The whole province shall be divided into eight counties; each precinct shall consist of six hundred acres;

Four. Each signiory, barony, and manor shall contain ten thousand acres; the eight signiories being to be divided among the proprietors, and the eight baronies of the same being each of them one-fifth of the whole province annexed, the one to the proprietors, the other four to the colony, leaving the colonies, being three-fifths of the whole, that in setting out and planting the lands, the government may be preserved.

Five. At any time before the year one thousand seven hundred and one, any of the lords proprietors shall have power to alienate, and dispose to any other person his share in the signiories, powers, and interest thereunto belonging, entirely together, and not otherwise. But after the year one thousand seven hundred, those who are then lords proprietors shall have power to alienate or make over their private signiories and privileges thereunto belonging, to any person whatsoever, otherwise than in section one, and all descend unto their heirs male, and for want of male all descend on that landgrave or cazique of Carolina.

* North Carolina Colonial Records, 187-205. [Lost in the Revolution] X. 175.

* This form of government was framed by John Locke in his Essay on the Human Understanding, and amended by the Earl of Shaftesbury, known as Anthony Ashley Cooper. It was only partly adopted, and it was abrogated by the lords proprietors in April, 1701.

of the next heirs female of the proprietor; and, for want of such heirs, it shall descend on the next heir general; and, for want of such heirs, the remaining seven proprietors shall, upon the vacancy, choose a landgrave to succeed the deceased proprietors, who, being chosen by the majority of the seven surviving proprietors, he and his heirs, successively shall be proprietors, as fully to all intents and purposes as any of the rest.

Six. That the number of eight proprietors may be constantly kept, if, upon the vacancy of any proprietorship, the seven surviving proprietors shall not choose a landgrave to be a proprietor before the second biennial parliament after the vacancy, then the next biennial parliament but one, after such vacancy, shall have power to choose any landgrave to be a proprietor.

Seven. Whosoever, after the year one thousand seven hundred, either by inheritance or choice, shall succeed any proprietor in his proprietorship, and signories thereunto belonging, shall be obliged to take the name and arms of that proprietor whom he succeeds; which from thenceforth shall be the name and arms of his family and their posterity.

Eight. Whatsoever landgrave or cazique shall any way come to be a proprietor, shall take the signories annexed to the said proprietorship; but his former dignity, with the baronies annexed, shall devolve into the hands of the lords proprietors.

Nine. There shall be just as many landgraves as there are counties, and twice as many caziques, and no more. These shall be the hereditary nobility of the province, and by right of their dignity be members of parliament. Each landgrave shall have four baronies, and each cazique two baronies, hereditarily and unalterably annexed to and settled upon the said dignity.

Ten. The first landgrave and caziques of the twelve first counties to be planted shall be nominated thus, that is to say: of the twelve landgraves, the lords proprietors shall each of them, separately for himself, nominate and choose one; and the remaining four landgraves of the first twelve shall be nominated and chosen by the palatine's court. In like manner, of the twenty-four first caziques, each proprietor for himself shall nominate and choose two, and the remaining eight shall be nominated and chosen by the palatine's court; and when the twelve first counties shall be planted, the lords proprietors shall again in the same manner nominate and choose twelve more landgraves and twenty-four more caziques, for the next twelve counties to be planted; that is to say, two-thirds of each number by the single nomination of each proprietor for himself, and the remaining third by the joint election of the palatine's court, and so proceed in the same manner till the whole province of Carolina be set out and planted, according to the proportions in these fundamental constitutions.

Eleven. Any landgrave or cazique, at any time before the year one thousand seven hundred and one, shall have power to alienate, sell, or make over, to any other person, his dignity, with the baronies thereunto belonging, all entirely together. But after the year one thousand seven hundred, no landgrave or cazique shall have power to alienate, sell, make over, or let the hereditary baronies of his dignity, or any part thereof, otherwise than as in section eighteen; but they shall all entirely, with the dignity thereunto belonging, descend unto

and the said daughter and her heirs shall have the same of those dignities, and in the said daughter shall be no heirs.

Seventeen. In every signiory, barony, and manor, the lord shall have power, in his own name, to hold a court of all causes, both civil and criminal; and any person being no inhabitant, vassal, or tenant of any signiory, barony, or manor, he, upon paying such fine to the lords proprietors' use, shall have an appeal from the barony court to the county court, and from the county precinct court.

Seventeen. Every manor shall consist of not more than one thousand acres, and not above twelve thousand acres of land and colony, but any three thousand acres or more in the possession of one man, shall not be a manor, nor shall be tuted a manor by the grant of the palatine's court.

Eighteen. The lords of signiories and baronies shall only of granting estates not exceeding three years, in two-thirds of said signiories or baronies, the third shall be always demesne.

Nineteen. Any lord of a manor may alienate, or give to any other person and his heirs forever, his manor, with all the privileges and leet-men thereunto belonging, as any colony lands; but no grant of any part thereof shall stand good against the next heir.

...not more than one ...
...of the said ten acres ...
...shall be tried for ...
...justice's court, and that by a jury

...to eight supreme courts. The first ...
...of the palatine and the other ...
...seven courts of the other seven great ...
...of a proprietor, and six councillors ...
...of these latter seven courts shall be a col-
... The twelve assistants of the several col-
... of the landgraves, caziques, or eldest ...
... the palatine's court; two out of the land-
... chamber; two out of the caziques by the ...
... more of the twelve shall be chosen by the ...
... of such as have been or are members of par-
... of the county court, or the younger sons ...
... sons of landgraves or caziques; the two ...
... the palatine's court, out of the same sort of ...
... commons' chamber is to choose.

... these colleges shall be chosen at first, by the ...
... councillors, to be joined with each proprietor in ...
... shall be of those who were chosen into any ...
... palatine's court, out of the landgraves, caziques, ...
... ; one out of those who were chosen by the ...
... one out of those who were chosen by the ...
... out of those who were chosen by the commons'

the grand council shall be filled, not by the
those who first chose him, and if he
is expelled. But it is not hereby
grand council hath any power to turn
priors or their deputies, the lords proprietors
an inherent original right.

Thirty-two. All elections in the parliament
bers of the parliament, and in the grand
balloting.

Thirty-three. The palatine's court shall
seven proprietors, wherein nothing shall be
ence and consent of the palatine or his
the proprietors or their deputies. This
call parliaments, to pardon all offences, to
cers in the proprietor's dispose, and to
towns; and also shall have power by their
dispose of all public treasure, excepting
liament, and by them directed to some
also shall have a negative upon all acts,
ments of the grand council and the parliament
tions six and twelve; and shall have all the
lords proprietors, by their patent from
King, except in such things as are limited
constitutions.

Thirty-four. The palatine himself, when
either in the army or any of the proprietors,
the power of general, or of that proprietor
present, and the proprietor, in whose court
sides, shall, during his presence there, be but as

...the twelve assistants below
...to their court of justice
...The twelve assistants below

Forty-six. All causes belonging to the
of the proprietors' courts, shall in the first
ultimately determined, without any further

Forty-seven. The proprietors' courts shall
fines and suspend all execution in criminal
after sentence, in any of the other inferior

Forty-eight. In all debates, hearings, or
prieters' courts, the twelve assistants below
respectively, shall have liberty to be present
unless their opinions be required, nor have any
business shall be, by the direction of the respective
such business as shall be committed to them
offices, and despatch such affairs, either where
elsewhere, as the court shall think fit.

Forty-nine. In all the proprietors' courts, the
three of his councillors, shall make a quorum
That for the better despatch of business, it shall
the palatine's court to direct what sort of causes
determined by a quorum of any three.

Fifty. The grand council shall consist of the
proprietors, and the forty-two councillors of the
courts, who shall have power to determine any
arise between any of the proprietors' courts,
jurisdictions, or between the members of the same

...the end of four years, making
...of the deputation.

...shall have any power
...of Carolina, except the proprietors,

...of any proprietor, his guardian
...and appoint his deputy.

...the lords proprietors, who shall be per-
...of course be the palatine's deputy, and if no
...he shall choose his deputy out of the heirs
...proprietors, if any such be there; and if there
...of the lords proprietors above one-and-
...Carolina, then he shall choose for deputy any one
...grand council; till he have by deputation
...any one of the forementioned heirs ap-
...be his deputy, the eldest man of the land-
...a landgrave, the eldest man of the caziques,
...in Carolina, shall of course be his deputy.

...deputy shall be always one of his six
...; and in case any of the proprietors hath not,
...Carolina, a deputy, commissioned under his hand
...nobleman of his court shall of course be his

...county there shall be a court, consisting of a
...of the county, for every precinct one. The
...inhabitant of the county, and have at least five

Sixty-four. No case shall be removed from the precinct court to any other court, except by writ of habeas corpus, or writ of error, or writ of certiorari, or writ of prohibition, or writ of mandamus, or writ of quo warrantum, or writ of habeas corpus, or writ of error, or writ of certiorari, or writ of prohibition, or writ of mandamus, or writ of quo warrantum. For habeas corpus, or writ of error, or writ of certiorari, or writ of prohibition, or writ of mandamus, or writ of quo warrantum, there shall be a writ of habeas corpus, or writ of error, or writ of certiorari, or writ of prohibition, or writ of mandamus, or writ of quo warrantum, and one or more members of the court shall come as itinerant judges to the court, and the sheriff and four justices shall hold court, but, upon paying of fifty pounds, there shall be liberty of appeal to the court.

Sixty-six. The grand jury at the court shall take oaths, and under their hands and seals, shall give a presentment of such grievances, or defects, which they think necessary to the country; which presentments shall, by the end of their circuit, be delivered in to the court sitting. And whatsoever therein concerns the already made, the several proprietors, according to each of them, respectively, shall give such order about it as shall be effectual of the laws. But whatever concerns the court shall be referred to the several respective courts, and be by them prepared and brought.

Sixty-seven. For terms, there shall be a number of days, not exceeding one-and-twenty, the several respective courts shall appoint, beginning of the term, in the precinct court, on the first Monday in January, April, July, and October; in the proprietors' courts the first Monday in March, May, August, and December.

Sixty-eight. In the precinct court no man shall be a grand-juryman under fifty acres of freehold. In the court, no man shall be a grand-juryman under

of comments and expressions of
political constitutions, or on any subject
of Carolina, are absolutely prohibited.
Eighty-one. There shall be a registry
shall be enrolled all deeds, leases, and
conveyances, which may concern any
precinct; and all such conveyances not
not be of force against any person or
conveyance.

Eighty-two. No man shall be register of
at least three hundred acres of freehold.

Eighty-three. The freeholders of every
three men; out of which three the chief
and commission one to be register of the same
well behave himself.

Eighty-four. There shall be a registry in
and colony, wherein shall be recorded all the
deaths that shall happen within the respective
and colonies.

Eighty-five. No man shall be register of
above fifty acres of freehold within the said colony.

Eighty-six. The time of every one's age, shall
shall be reckoned from the day that his birth is
and not before.

Eighty-seven. No marriage shall be lawful, till
ceremony they have used, till both the parties be
the register of the place where they were married
with the names of the father and mother of each

Eighty-eight. No man shall administer to the goods, or have a right to them, or enter upon the estate of any person deceased, till his death be registered in the respective registry.

Eighty-nine. He that doth not enter in the respective registry the birth or death of any person that is born or dies in his house or ground, shall pay to the said register one shilling per week for each such neglect, reckoning from the time of each birth or death, respectively, to the time of entering it in the register.

Ninety. In like manner, the births, marriages, and deaths of the lords proprietors, landgraves, and caziques shall be registered in the chamberlain's court.

Ninety-one. There shall be in every colony one constable, to be chosen annually, by the freeholders of the colony; his estate shall be above a hundred acres of freehold within the said colony, and such subordinate officers appointed for his assistance as the county court shall find requisite, and shall be established by the said county court. The election of the subordinate annual officers shall be also in the freeholders of the colony.

Ninety-two. All towns incorporate shall be governed by a mayor, twelve aldermen, and twenty-four of the common council. The said common council shall be chosen by the present householders of the said town; the aldermen shall be chosen out of the common council; and the mayor out of the aldermen, by the palatine's court.

Ninety-three. It being of great consequence to the plantation that port-towns should be built and preserved; therefore, whosoever shall lade or unlade any commodity at any other place than a port-town, shall forfeit to the lords proprietors, for each ton so laden or unladen, the sum of ten pounds sterling; except only such goods as the palatine's court shall license to be laden or unladen elsewhere.

Ninety-four. The first port-town upon every river shall be in a colony, and be a port-town forever.

Ninety-five. No man shall be permitted to be a freeman of Carolina, or to have any estate or habitation within it, that doth not acknowledge a God; and that God is publicly and solemnly to be worshipped.

Ninety-six. [As the country comes to be sufficiently planted and distributed into fit divisions, it shall belong to the parliament to take care for the building of churches, and the public maintenance of divines, to be employed in the exercise of religion, according to the Church of England; which being the only true and orthodox, and the national religion of all the King's dominions, is so also of Carolina; and, therefore, it alone shall be allowed to receive public maintenance, by grant of parliament.]^a *

Ninety-seven. But since the natives of that place, who will be concerned in our plantation, are utterly strangers to Christianity, whose idolatry, ignorance, or mistake gives us no right to expel or use them ill; and those who remove from other parts to plant there will unavoidably be of different opinions concerning matters of religion, the liberty whereof they will expect to have allowed them, and it will not be reasonable for us, on this account, to keep them out, that civil

* ^a This article was not drawn up by Mr. Locke, but inserted by some of the chief of the proprietors, against his judgment; as Mr. Locke himself informed one of his friends, to whom he presented a copy of these constitutions.

One hundred. In the said church or profession, these following shall be the first of an assembly of men, upon profession of church or profession within these following:

- I. "That there is a God."
- II. "That God is publicly to be worshipped."
- III. "That it is lawful and the duty of all men called by those that govern, to bear arms."

church or profession shall, in their own way, the external way whereby they witness to God, whether it be by laying hands on one another, Church of England, or by holding up the cross way."

One hundred and one. No person shall have any benefit or protection of the place of profit or honor, who is not a member of the profession, having his name recorded in religious record at once.

One hundred and two. No person of any profession shall disturb or molest any religious assembly.

One hundred and three. No person whatsoever in their religious assembly irreverently or disrespectfully speak of the king, queen, or of the government or governors, or of state matters.

One hundred and four. Any person subscribing to the communion, in the record of the said church or precinct register, and any five members of the same, shall be thereby made a member of the same.

One hundred and five. Any person striking off of any religious record, or his name being struck thereunto authorized by each church or profession, shall cease to be a member of that church or profession.

...shall hold or claim
...or otherwise, from the
...but merely from and under the
...of all his estate, movable
...ment.

Whoever shall possess any freehold
...or grant soever, shall, at the farthest,
...thousand six hundred and eighty-nine,
...proprietors, for each acre of land, English
...at this present time in one English
...to be as a chief rent and acknowledg-
...their heirs and successors, forever.
...the palatine's court, by their officers, at
...of any man's land, not to oust him
...but that by such a survey the just
...may be known, and the rent thereon

...teen. All wrecks, mines, minerals, quarries
...stones, with pearl-fishing, whale-fishing, and
...by whomsoever found, shall wholly belong

...All revenues and profits belonging to the
...shall be divided into ten parts, whereof
...three, and each proprietor one; but if the
...a deputy, the deputy shall have one of those
...the other two-tenths.

THE MECKLENBURGH DECLARATION

I. Resolved: That whosoever directly or indirectly, in any way, form, or manner countenances the unjust and unprovoked invasion of our rights, as claimed by Great Britain to this country—to America—and to the rights of man.

II. Resolved: That we do hereby declare ourselves an independent people; are, and of right ought to be, a self-governing association, under the control of the laws that of our God and the General Government, the maintenance of which Independence we owe to our mutual co-operation, our Lives, our Liberty, and our Sacred Honor.

III. Resolved: That as we acknowledge that there is no law or legal officer, civil or military, who can do hereby ordain and adopt as a rule of life.

* Address of the Hon. William A. Graham, On the Declaration of Independence, * * * with Accompanying Documents (New York: Hale & Sons, publishers) 1875. 167 pp.

* This declaration of independence (with a supplement establishing a form of government) was adopted (as it is called) by a convention of delegates from different sections of Mecklenburg, held at Charlotte May 20, 1775.

executive, and supreme judicial powers, shall be separate, and distinct from each other, and shall not be exercised by the same person, or body of persons, or officers, in the same manner, or for the same purposes, as the legislative power, or the executive power, or the judicial power, or the power of the Representatives of the People, and ought not to be exercised. The Representatives of the People, to serve as Representatives, in the Assembly, shall be free.

In criminal prosecutions, every man has a right to a fair trial, and to confront the witnesses against him, and to cross-examine the other testimony, and shall not be compelled to testify against himself.

Every man shall be put to answer any criminal charge, or indictment, or impeachment.

Every man shall be convicted of any crime, but by the verdict of a jury of good and lawful men, in open court,

Proceedings and Debates of the Convention of North Carolina, which assembled at Raleigh to revise the Constitution of the State, which assembled at Raleigh, and which are subjoined the Convention act and the Declaration of Independence together with the votes of the People. Raleigh: Published by John B. Son, 1836." Appendix, pp. 409-424.

It was not submitted to the people for their ratification, but was adopted by a "Congress," "elected and chosen for that purpose," which assembled at Halifax November 12, 1776, and continued until November 18, 1776. It was not submitted to the people for

X. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

XI. That general warrants—whereby an officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons, not named, whose offences are not particularly described, and supported by evidence—are dangerous to liberty, and ought not to be granted.

XII. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.

XIII. That every freeman, restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.

XIV. That in all controversies at law, respecting property, the ancient mode of trial, by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

XV. That the freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

XVI. That the people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their Representatives in General Assembly, freely given.

XVII. That the people have a right to bear arms, for the defence of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

XVIII. That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature, for redress of grievances.

XIX. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

XX. That, for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

XXI. That a frequent recurrence to fundamental principles is absolutely necessary, to preserve the blessings of liberty.

XXII. That no hereditary emoluments, privileges or honors ought to be granted or conferred in this State.

XXIII. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

XXIV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

XXV. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the State should be ascertained with precision; and as the former temporary line between North and South Carolina, was confirmed, and extended by Commissioners, appointed by the Legislatures of the two States, agreeable to the order of the late King George the Second, in Council, that line, and that only, should be esteemed the southern boundary

of this State as follows: that is to say, beginning on the sea side, at a cedar stake, at or near the mouth of Little River (being the southern extremity of Brunswick county,) and running from thence a north-west course, through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude; and from thence a west course so far as is mentioned in the Charter of King Charles the Second, to the late Proprietors of Carolina. Therefore all the territories, seas, waters, and harbours, with their appurtenances, lying between the line above described, and the southern line of the State of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes, north latitude, and from thence runs west, agreeable to the said Charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty; any partial line, without the consent of the Legislature of this State, at any time thereafter directed, or laid out, in anywise notwithstanding:—*Provided always*, That this Declaration of Rights shall not prejudice any nation or nations of Indians, from enjoying such hunting-grounds as may have been, or hereafter shall be, secured to them by any former or future Legislature of this State:—*And provided also*, That it shall not be construed so as to prevent the establishment of one or more governments westward of this State, by consent of the Legislature:—*And provided further*, That nothing herein contained shall affect the titles or possessions of individuals holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George the Second, or his predecessors, or the late lords proprietors, or any of them.

THE CONSTITUTION, OR FORM OF GOVERNMENT, &C

WHEREAS allegiance and protection are, in their nature, reciprocal, and the one should of right be refused when the other is withdrawn:

And whereas George the Third, King of Great Britain, and late Sovereign of the British American Colonies, hath not only withdrawn from them his protection, but, by an act of the British Legislature, declared the inhabitants of these States out of the protection of the British crown, and all their property, found upon the high seas, liable to be seized and confiscated to the uses mentioned in the said act; and the said George the Third has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said Colonies to a state of abject slavery; in consequence whereof, all government under the said King, within the said Colonies, hath ceased, and a total dissolution of government in many of them hath taken place.

And whereas the Continental Congress, having considered the premises, and other previous violations of the rights of the good people of America, have therefore declared, that the Thirteen United Colonies are, of right, wholly absolved from all allegiance to the British crown, or any other foreign jurisdiction whatsoever: and that the said Colonies now are, and forever shall be, free and independent States.

Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary, that government should be established in this State; therefore we, the Representatives of the freemen

• See amendments.

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...but all persons shall be free from legal trial and punishment. ... That no appointment in the office of the Peace, shall be considered

...and grants shall run in the name ... and bear test, and be signed by the ... run in the same manner, and bear test, ... of the respective Courts. Indictments ... *peace and dignity of the State.*

...delegates for this State, to the Continental ... shall be chosen annually by the General ... may be superseded, in the mean time, in ... no person shall be elected, to serve in that ... three years successively.

...shall be a Sheriff, Coroner or Coroners, ... county within this State.

...person of a debtor, where there is not a strong ... shall not be continued in prison, after deliver- ... his estate real and personal, for the use of his ... as shall be hereafter regulated by law. All ... by sufficient sureties, unless for capital ... is evident, or the presumption great.

...foreigner, who comes to settle in this State, having ... allegiance to the same, may purchase, or, by

Sec. 3. Upon the conviction of any justice of the peace of any crime, or of corruption in the exercise of such justice shall be thereby rendered disqualified from holding such appointment.

Sec. 4. The general assembly, at its first session after, shall appoint an attorney-general, who shall be appointed by the governor, and shall hold his office for the same term as the judges of the supreme court, but if the general assembly should hereafter determine to create a new office of attorney-general, which solicitors of the State shall hold the same, they shall have power to extend the term of office of the attorney-general for the same period.

ART. IV. SECTION 1. One. No convention shall be called by the general assembly, unless by a vote of two-thirds of all the members of each house of the general assembly.

Two. No part of the constitution of this State shall be amended, unless a bill to alter the same shall have been passed by a vote of two-thirds of the whole number of members of each house respectively, and agreed to by a vote of two-thirds of the whole number of members of each house respectively, and published six months previous to a new election of the general assembly. If, after such publication, the bill so agreed to by the preceding general assembly shall be passed by a vote of two-thirds of the whole number of members of each house of the general assembly, after the same shall have been read three times on three several days in each house, the general assembly shall prescribe a mode by which the amendments may be submitted to the qualified voters of the State; and if, upon comparison in the whole State, it shall appear that a majority of the voters approved thereof, then, and not otherwise, the amendments shall be a part of the constitution.

SEC. 2. The thirty-second section of the constitution shall be amended so as to read as follows:

...any free white man at the age of twenty-one years or naturalized citizen of the State for twelve months preceding the day of any election, and shall have the right to vote for a member of the senate or house of commons.

CONSTITUTION OF NORTH CAROLINA—1861

...by an act of the legislature, passed on October 20, 1861, and revised the State constitution submitted to the people for ratification.]

DECLARATION OF SLAVERY IN NORTH CAROLINA—1865 * *

...declared by the delegates of the people of the State in convention assembled, and it is hereby ordained that slavery and involuntary servitude, other-

...of the State of North Carolina, at its Session of 1865. Holden, Printers to the Convention, 1865. pp. 192. ...Convention, Session 1865. Constitution of North Carolina, and Ordinances and Resolutions passed by the Convention. Raleigh: Cannon and Holden, Printers to the State.

...of North Carolina, together with the Ordinances and Resolutions of the Constitutional Convention, Assembled in the City of Raleigh.

... of such justice shall be the same as if the same were held from holding with any other court.

Sec. 4. The general assembly, at its next session, shall appoint an attorney general, who shall hold his office until the general assembly should hereafter appoint another, which solicitors of the State shall hold their office for the same period.

ART. IV. SECTION 1. One. No convention shall be called by the general assembly, unless by the affirmative vote of two-thirds of all the members of each house of the general assembly.

Two. No part of the constitution of this State shall be altered, unless a bill to alter the same shall have been passed by each house of the general assembly, and agreed to by a majority of the whole number of members of each house respectively, and the alteration take place until the bill so agreed to be published six months previous to a new election of the general assembly. If, after such publication, the bill shall be passed by the preceding general assembly shall be passed at its next session thereafter, by two-thirds of the whole number of members of each house of the general assembly, after the same shall have been read three times on three several days in each house of the general assembly shall prescribe a mode by which the amendments may be submitted to the qualified voters of the State throughout the State; and if, upon completion of the same in the whole State, it shall appear that a majority of the voters approved thereof, then, and not otherwise, the amendments shall become a part of the constitution.

Sec. 2. The thirty-second section of the

...no naturalized citizen of the
State for twelve
months before the day of any election, and shall have
the right to vote for a member of the sen-
ate.

CONSTITUTION OF NORTH CAROLINA—1861

...by an act of the legislature, passed on
March 20, 1861, and revised the State constitu-
tion submitted to the people for ratification.]

DECLARATION OF SLAVERY IN NORTH CAROLINA— 1865 * *

*declared by the delegates of the people of the
State in convention assembled, and it is hereby
that slavery and involuntary servitude, other-*

...ion of the State of North Carolina, at its Session of
1865. Holden, Printers to the Convention, 1865. pp. 192.
Convention, Session 1865. Constitution of North-
Carolina and Ordinances and Resolutions passed by the Con-
vention: Raleigh: Cannon and Holden, Printers to the State.

...of North Carolina, together with the Ordinances and
Resolutions of the Constitutional Convention, Assembled in the City of Raleigh.

That the great, general, and essential principles of government, may be recognised and acknowledged, and that the rights of this State to the Union and Government, and those of the people of this State, may be defined and affirmed, we do hereby

Section 1. That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of the fruits of their own labor, and the pursuit of happiness.

Sec. 2. That all political power is vested in the people; all government of right originates in the people.

Jan. 14, 1868. Raleigh: Joseph W. Holden, Convention, Index.

Constitution of the State of North Carolina together with the Resolutions of the Constitutional Convention, assembled January 14, 1868. Raleigh: Joseph W. Holden, 1868, pp. 488. Index.

* A convention, called by Provisional Governor William Holden at Raleigh October 2, 1865, repealed the ordinance of secession, prohibiting slavery October 9, 1865, and adopted a new constitution. The people ratified their repeal of the ordinance of secession against 2,002 votes, and the ordinance prohibiting slavery against 3,970 votes. The convention reassembled in May, 1865, to revise the constitution of 1776, but their work was rejected by the people by 21,552 votes against 21,552 votes.

† This constitution was framed by a convention called by the Reconstruction acts of Congress, by Major-General Canby, which assembled at Raleigh January 14, 1868, and completed its labors March 18, 1868, by an ordinance submitting it to the people, and an ordinance of intimidation of voters, and it was ratified by 93,118 votes.

judicial powers of
be separate and distinct from each

or the execution of laws, by
the representatives of the
and ought not to be exercised.

every man has the right to be
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y, and to have counsel for his de-
to give evidence against himself, or to
witness-fees of the defence, unless

be put to answer any criminal charge,
, but by indictment, presentment, or

be convicted of any crime but by the
of good and lawful men in open court.
, provide other means of trial, for petty
of appeal.

should not be required, nor excessive fines
punishments inflicted.

whereby any officer or messenger may
suspected places, without evidence of the act
any persons not named, whose offence is not

Sec. 23. The people of this State have the right to assemble peaceably, to petition the Legislature, or their representatives, for the redress of their grievances.

Sec. 24. A well-regulated militia is necessary to the security of this State; the right of the people to keep and bear arms shall not be infringed; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept; and the Militia shall be kept under strict subordination to and governed by the laws of the Legislature.

Sec. 25. The people have a right to assemble for their common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

Sec. 26. All men have a natural and unalienable right to worship God according to the dictates of their conscience; and no human authority should, in any case, interfere with the right of conscience.

Sec. 27. The people have a right to the privacy of their communications; it is the duty of the State to guard and maintain the same.

Sec. 28. For redress of grievances, and for amending the laws, elections should be often held.

Sec. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 30. No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 31. Perpetuities and monopolies are contrary to the spirit of a free State, and ought not to be allowed.

Sec. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only deemed oppressive, unjust, and incompatible with liberty, shall not be made. No law shall be made *ex post facto* law ought to be made. No law shall be made to annul sales, purchases, or other acts previously done, or to

majority of all the members are assent.

It is composed of fifty senators biennially

session of the general assembly, which shall be between hundred and seventy-one, the senate members elected from districts constituted as

Albemarle, Chowan, Pasquotank, Currituck, Gates, shall elect two senators.

Beaufort, Washington, and Tyrrell, shall elect one

Beaufort and Hyde, shall elect one senator.

Bethampton, shall elect one senator.

Bertie and Hertford, shall elect one senator.

Bibb, shall elect one senator.

Bridgcomb, shall elect one senator.

Burke, shall elect one senator.

Camden and Wilson, shall elect one senator.

Carteret and Carteret, shall elect two senators.

Carteret and Lenoir, shall elect one senator.

Columbus and Onslow, shall elect one senator.

Cumberland, Brunswick and New Hanover, shall elect two

Dan, Bladen and Columbus, shall elect one senator.

Robeson, shall elect one senator.

Section 4. From the counties of

and from the counties of

the general assembly, at its

with hundred and thirty

appoint attorney general

district, Alleghany, and

district, Buncombe,

district, Burke, Caldwell,

Forty-second district, Madison, Mi

Forty-third district, Clay, Cherokee,

Macon, shall elect one senator.

SEC. 5. An enumeration of the inhabitants

taken under the direction of the general

thousand eight hundred and fifty-seven,

ten years thereafter; and the said senate

by the general assembly, at the first session

enumeration taken as aforesaid, or by order

senate district shall contain, as nearly as

of inhabitants, excluding aliens and Indians

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shall be elected for a term of four years, to commence on the first day of January, 1869, and continue until their successors are elected. Provided, That the officers first elected shall take office ten days after the approval of the President of the United States, and shall hold office until after the first day of January, 1869. No person shall be eligible as governor or lieutenant-governor who have attained the age of thirty years, shall have resided in the United States five years, and shall have been a citizen of the United States for two years next before the election; nor shall either of these two offices be eligible to the office of governor for four years in any term of eight years, unless he has been first cast upon him as lieutenant-governor or

in every election for officers of the executive branch, the votes shall be counted up and transmitted to the seat of government. The officers, directed to the speaker of the house of representatives, shall open and publish the same in the presence of the members of both houses of the general assembly. The person who has the highest number of votes respectively shall be elected; but if two or more be equal and highest in number of votes, then one of them shall be chosen by joint vote of the general assembly. Contested elections shall be decided by a joint vote of both houses of the general assembly, and the manner as shall be prescribed by law.

ship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

SEC. 14. The general assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such law shall have been given, under such direction and in such manner as shall be provided by law.

SEC. 15. If vacancies shall occur in the general assembly by death, resignation, or otherwise, writs of election shall be issued by the governor under such regulations as may be prescribed by law.

SEC. 16. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the general assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

SEC. 17. The general assembly shall regulate entails in such manner as to prevent perpetuities.

SEC. 18. Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the general assembly.

SEC. 19. Any member of either house may dissent from, and protest against, any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the journal.

SEC. 20. The house of representatives shall choose their own speaker and other officers.

SEC. 21. The lieutenant-governor shall preside in the senate, but shall have no vote, unless it may be equally divided.

SEC. 22. The senate shall choose its own officers and also a speaker *pro tempore* in the absence of the lieutenant-governor, or when he shall exercise the office of governor.

SEC. 23. The style of the acts shall be, "*The general assembly of North Carolina do enact.*"

SEC. 24. Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws, and the two houses may also jointly adjourn to any future day, or other place.

SEC. 25. All bills and resolutions of a legislative nature shall be read three times in each house, before they pass into laws; and shall be signed by the presiding officers of both houses.

SEC. 26. Each member of the general assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the senate or house of representatives.

SEC. 27. The terms of office for senators and members of the house of representatives shall commence at the time of their election; and the term of office of those elected at the first election held under this constitution shall terminate at the same time as if they had been elected, at the first ensuing regular election.

shall consist of a governor, a lieutenant-governor, an auditor, a treasurer, a superintendent of public instruction, and shall be elected for a term of four years, to commence on the first day of January, 1869. *Provided*, That the officers first elected shall hold their office ten days after the approval of the Congress of the United States, and shall hold office thereafter and after the first day of January, 1869. No person shall be eligible as governor or lieutenant-governor who have attained the age of thirty years, shall have resided in the United States five years, and shall have been a citizen for two years next before the election; nor shall any person be eligible to either of these two offices be eligible to the other for four years in any term of eight years, unless he has been cast upon him as lieutenant-governor or

in every election for officers of the executive branch, the ballots shall be sealed up and transmitted to the seat of government. The officers, directed to the speaker of the house of representatives, shall open and publish the same in the presence of members of both houses of the general assembly. The person receiving the highest number of votes respectively shall be elected; but if two or more be equal and highest in number of votes, then one of them shall be chosen by joint vote of the general assembly. Contested elections shall be decided by a joint vote of both houses of the general assembly in the manner as shall be prescribed by law.

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...in this article shall, at stated peri-
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ARTICLE IV

JUDICIAL DEPARTMENT

...ction between actions at law and suits in
...of all such actions and suits, shall be abolished,
...this State but one form of action for the enforce-
...of private rights, or the redress of private wrongs,

Sec. 5. The seal of the State shall be in the custody of the secretary of state, and shall not be used by any other officer or person without the order of the secretary of state. The seal shall be used in all official acts of the State, and in all official acts of the officers and agents of the State.

Sec. 6. The house of representatives shall have the sole power of impeaching. No person shall be convicted of impeachment unless by the vote of two-thirds of the senators present. If impeached, the chief justice shall preside.

Sec. 7. Treason against the State shall consist in levying war against it or adhering to its enemies, giving aid and comfort to them. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 8. The supreme court shall consist of a chief justice and four associate justices.

Sec. 9. There shall be two terms of the supreme court in each year, the first term shall be held on the first Monday in January and the second term on the first Monday in May, as long as the public interests may require.

Sec. 10. The supreme court shall have jurisdiction of all appeals, and decision of the courts below upon any question of law or legal inference; but no issue of fact shall be tried by the supreme court, and the court shall have power to issue any remedy which may be necessary to give it a general supervision and control of the courts of the State.

Sec. 11. The supreme court shall have original jurisdiction of all claims against the State, but its decisions shall not be executory; no process in the nature of execution shall issue, but they shall be reported to the next session of the court for its action.

Sec. 12. The State shall be divided into twelve judicial districts, for each of which a judge shall be chosen, who shall hold court in each county in said district, at least twice a year, and shall continue for two weeks, unless the business shall so require.

...shall reside in his district... The judges may exchange districts with... of the governor, and the governor, for... shall report to the legislature at its current or... any judge to hold one or more specified... of the judge in whose district they are.

...courts shall have exclusive original jurisdiction... whereof exclusive original jurisdiction is not... and of all criminal actions, in which the... a fine of fifty dollars or imprisonment for one

...courts shall have appellate jurisdiction of all... determined by a probate judge or a justice of... matter in controversy exceeds twenty-five dol-... of law in all cases.

...of the superior courts shall have jurisdiction... the granting of letters testamentary and of... appointment of guardians, the apprenticing of... the accounts of executors, administrators, and... other matters as shall be prescribed by law. ...joined before them shall be transferred to the... trial, and appeals shall lie to the superior courts... in all matters of law.

...issues of fact, joined in any court, the parties may... have the same determined by jury, in which case... judge upon the facts shall have the force and effect... jury.

...office of justice of the peace shall become vacant, at the expiration of the term, and in case of a failure by the people to elect, the clerk of the superior court for the county shall fill the vacancy for the unexpired term. The office of clerk of a superior court for a county shall not be vacated otherwise than by the expiration of the term, and when by the people to elect, the judge of the superior court shall appoint to fill the vacancy until an election is held.

ARTICLE V

REVENUE AND TAXATION

The general assembly shall levy a capitation-tax on every person of the State over twenty-one and under fifty years of age, which shall be equal, on each, to the tax on property valued at one hundred dollars in cash. The commissioners of the several counties shall exempt from capitation-tax in special cases, on account of age and infirmity, and the State and county capitation-tax shall never exceed two dollars on the head.

Sec. 5. No special tax shall be levied, and no money shall be expended, in aid of any person, association, or corporation, for the completion of such railroads as may be authorized by the adoption of this constitution, or in which any person has a pecuniary interest, unless the subject be brought before the people of the State, and be approved by a majority of those who shall vote thereon.

Sec. 6. Property belonging to the State, or to any county, town, or city, shall be exempt from taxation. The property of churches, exempt cemeteries, and property held for educational, literary, charitable, or religious purposes; also, property for muster, household and kitchen furniture, and agricultural implements of mechanics and farmers, and scientific instruments, to a value not exceeding \$100.

Sec. 7. The taxes levied by the commissioners of counties, for county purposes, shall be levied in like manner as the taxes, and shall never exceed the double of the State tax for a special purpose, and with the special approval of the general assembly.

Sec. 8. Every act of the general assembly, levying a tax, shall state the special object to which it is to be applied, and shall be applied to no other purpose.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. Every male person born in the United States, or every male person who has been naturalized, twenty-one years of age or upward, who shall have resided in this State twelve months preceding the election, and thirty days in the county in which he is to vote, shall be deemed an elector.

There shall be elected, biennially, by the people, for the election of members of the following officers: A treasurer, register of deeds, and commissioners.

The duty of the commissioners to exercise a general control of the penal and charitable institutions, levying of taxes, and finances of the county, as by law. The register of deeds shall be *ex-officio* commissioner.

The duty of the commissioners first elected in the county is to divide the same into convenient districts, to determine and prescribe the names of the said districts, and report the same to the general assembly before the first day of January.

After the approval of the reports provided for in the foregoing section by the general assembly, the said districts shall have the same for the necessary purposes of local government, and for the election of townships.

In every township there shall be biennially elected, by the people, a sheriff, a clerk and two justices of the peace, who shall, under the supervision of the commissioners, have control of the taxes and finances of the township, as may be prescribed by law. The law may provide for the election of a larger number of justices of the peace in cities and towns, and in those townships where cities and towns are situated. In every township

Sec. 11. The provisions of this article shall not be construed to prevent the passage of any law which may be necessary to carry out the provisions of this article.

Sec. 12. All charters, ordinances, and resolutions of any corporation shall remain in force until they are inconsistent with the provisions of this article.

Sec. 13. No county, city, town, or other municipality shall assume or pay, nor shall any tax be levied, or any debt, or the interest upon any debt, or indirectly, in aid or support of the debt or interest of any corporation.

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPALITIES

SECTION 1. Corporations may be formed under the laws of this state, but shall not be created by special act, except for corporations in cases where, in the judgment of the legislature, corporations cannot be attained under general laws and special acts passed pursuant to this article from time to time, or repealed.

SEC. 2. Dues from corporations shall be secured by the liabilities of the corporations and other means provided by law.

SEC. 3. The term "corporation," as used in this article, shall be construed to include all associations and joint-stock companies, and shall have any of the powers and privileges of corporations, and shall be subject to the same as individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all respects as natural persons.

SEC. 4. It shall be the duty of the legislature to restrict the power of taxation, assessments, borrowing debts, and loaning their credit, so as to prevent the same from being used in assessments and in contracting debts by such municipalities.

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ARTICLE X
AND EXEMPTIONS

SECTION 1
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and other property, and in the exercise of her power, she, the said Mrs. [redacted], has, by this instrument, devised, bequeathed, and, with force of law, conveyed, by her, as if she were

Under the foregoing sections of this article the owner of a homestead from disposing of no deed made by the owner of a homestead voluntary signature and assent of his wife, examination according to law.

AL INSTITUTIONS, AND PUBLIC CHARITIES

of a board of public charities, to be appointed by the governor, who shall annually report to the general assembly the condition of the institutions for their improvement.

Sec. 8. There shall also, as soon as may be, be established by the State for the establishment of an orphan asylum, where destitute orphans may be cared for, and not engaged in business or trade.

Sec. 9. It shall be the duty of the legislature to devise means for the education of idiots and deaf-mutes.

Sec. 10. The general assembly shall provide for the education of the deaf-mutes, the blind, and the insane of the State, and for the charge of the State.

Sec. 11. It shall be steadily kept in view by the board of public charities that all penal and reformatory institutions should be made as nearly self-supporting as possible for the purposes of their creation.

ARTICLE XII

MILITIA

SECTION 1. All able-bodied male citizens of North Carolina between the ages of twenty-one and thirty, and all citizens of the United States, shall be liable to military service. *Provided*, That all persons who may be advanced from religious scruples, shall be exempt therefrom.

Sec. 2. The general assembly shall provide for the arming, equipping, and disciplining of the militia, and the same when called into active service.

Sec. 3. The governor shall be commander-in-chief of the militia, and to call out the militia to execute the law, to suppress insurrection, and to repel invasion.

Sec. 4. The general assembly shall have power to make regulations as may be deemed necessary, and to enact laws expedient for the government of the militia.

ARTICLE XIV

MISCELLANEOUS

...which shall have been found, or may be found, for any crime or offence committed before this constitution may be proceeded upon in the proper courts, and no punishment shall be inflicted which is forbidden by this constitution.

...who shall hereafter fight a duel, or assist in the same, send, accept, or knowingly carry a challenge to go out of this State to fight a duel, shall hold

...shall be drawn from the treasury but in consequence of appropriations made by law, and an accurate account of the expenditures of the public money shall be annually

...assembly shall provide by proper legislation that mechanics and laborers an adequate lien on the subject-

...in the absence of any contrary provision, all officers in this State before elected or appointed by the governor, shall continue in office only until other appointments are made by the governor. If officers are elective, until their successors shall be elected and duly qualified, according to the provisions of

...of government in this State shall remain at the

the people of the State in solemn assembly, do hereby invoke the blessing of God, the Sovereign Ruler of the Universe, upon the American Union, and the exercise of religious liberties, and acknowledging the continuance of those blessings to be more certain security thereof, and for the State, ordain and establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of government may be recognized and established, and of this State to the Union and Government of the United States, those of the people of this State to the rest of the world, may be defined and affirmed, we do declare:

SECTION 1. That we hold it to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. That all political power is vested in the people; all government of right originates from the people, is founded upon their will only, and is instituted for their benefit and the whole.

SEC. 3. That the people of this State have the exclusive right of regulating the internal government thereof, and of altering and abolishing their form of government whenever it may be necessary for the happiness; but every such right should be exercised in a peaceable and consistently with the Constitution of the United States.

SEC. 4. That this State shall ever remain a member of the Union; that the people thereof are a part of the people of the United States; that there is no right on the part of the State to secede from the Union, or to attempt, from whatever source or upon whatever pretext.

* Verified from official copy furnished by the Secretary of State, title page; no date; 36 pp. [Editor.]

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SEC. 7. No person shall hold more than one lucrative office under the State at the same time: *Provided*, That officers in the militia, justices of the peace, commissioners of public charities, and commissioners appointed for special purposes shall not be considered officers within the meaning of this section.

Done in convention at Raleigh the sixteenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-second.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CONSTITUTION OF NORTH CAROLINA—1876 *

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

SECTION 1. That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve

* Verified from official copy furnished by the Secretary of State (1907); no title page; no date; 36 pp. [Editor.]

shall be vested in two distinct
branches of the people, to-wit, a Senate and House of

The House of Representatives shall meet here-
after on the first Monday in January next
when assembled, shall be denominated the
House of Representatives and shall proceed upon public busi-
ness when a majority of all the members are actually present.

The Senate shall be composed of fifty Senators, biennially

The Districts shall be so altered by the General
Assembly after the return of every enumeration by
law that each Senate District shall contain, as near as
possible, an equal number of inhabitants, excluding aliens and Indians
and shall remain unaltered until the return of another enu-
meration; and all the Districts shall at all times consist of contiguous territory; and
no District shall be divided in the formation of a Senate District,
and each District shall be equitably entitled to two or more Senators.
The House of Representatives shall be composed of one
Representative for every county, biennially chosen by ballot, to
represent the county respectively, according to their popula-
tion; every county shall have at least one representative in the
House of Representatives, although it may not contain the requisite
population; this apportionment shall be made by the
General Assembly at the respective times and periods when the Dis-
tricts are hereinbefore directed to be laid off.

In making the apportionment in the House of Representa-
tives the representation shall be ascertained by dividing the
population of the State, exclusive of that compre-
hended in the five counties, which do not severally contain the one
twentieth part of the population of the State, by the

Sec. 23. The people of this State shall not be subject to the payment of any impost or tax on themselves, or their representatives in Congress.

Sec. 24. A well-regulated militia being necessary to a free State, the right of the people to keep arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the militia shall be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the possession of concealed weapons, or prevent the Legislature from passing laws against said practice.

Sec. 25. The people have a right to assemble in peaceable manner, for their common good, to instruct their representatives, and to petition the Legislature for redress of grievances. But seditious assemblies are dangerous to the liberties of a free people, and shall not be tolerated.

Sec. 26. All men have a natural and unalienable right to worship God according to the dictates of their conscience; and no human authority should, in any case whatsoever, interfere with the rights of conscience.

Sec. 27. The people have the right to the privacy of their communications, and it is the duty of the State to guard and maintain the same.

Sec. 28. For redress of grievances, and for amendment of the laws, elections should be often held.

Sec. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 30. No hereditary emoluments, privileges or honors shall be granted or conferred in this State.

Sec. 31. Perpetuities and monopolies are contrary to the spirit of a free State, and ought not to be allowed.

Sec. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; which shall be

Authority shall be vested in two distinct
branches, to-wit, a Senate and House of

Representatives shall meet biennially
after the first Monday in January next
when assembled, shall be denominated the
House shall proceed upon public business
if all the members are actually present.

shall be composed of fifty Senators, biennially

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each county respectively, according to their population;
every county shall have at least one representative in the
House of Representatives, although it may not contain the requisite
population; this apportionment shall be made by the
Legislature at the respective times and periods when the Districts
are hereinbefore directed to be laid off.

In making the apportionment in the House of Representatives
representation shall be ascertained by dividing the
population of the State, exclusive of that comprising
the counties, which do not severally contain the one
twentieth part of the population of the State, by the

Sec. 8. In the election of all officers to be conferred upon the General Assembly, the election shall be viva voce.

Sec. 10. The General Assembly shall have power to grant a divorce and secure alimony in any case.

Sec. 11. The General Assembly shall have power to pass private law to alter the name of any person, and to grant citizenship any person convicted of an infamy, and power to pass general laws regulating the courts.

Sec. 12. The General Assembly shall have power to pass such a law shall have been given notice and in such manner as shall be provided by law.

Sec. 13. If vacancies shall occur in the General Assembly by resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed.

Sec. 14. No law shall be passed to raise money for the State, or to pledge the faith of the State, direct or indirect, the payment of any debt, or to impose any tax upon the State, or allow the counties, cities or towns to do so, for the purpose shall have been read three several times in each House respectively, and passed three several readings shall have been on three different days in each House respectively, and unless the yeas and nays and third readings of the bill shall have been entered.

Sec. 15. The General Assembly shall regulate elections in such manner as to prevent perpetuities.

Sec. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Sec. 17. Any member of either House may dissent from any act or resolve, which he may think unconstitutional, or any individual, and have the reasons of his dissent entered on the journal.

Sec. 18. The House of Representatives shall elect a Speaker and other officers.

that he will support the Constitution and the laws of the State, and faithfully discharge his duty as a member of Representatives.

The Governor and members of the House shall be sworn at the time of their election, and shall take and record in either house by reading the oath, the yea and nays upon any question, and sign the journals.

The members of the General Assembly shall be elected by the districts and counties, at the places where they may be directed hereafter to be held, in such manner as may be directed by law, on the first Thursday in August, of the year one thousand eight hundred and seventy, and every two years thereafter. The General Assembly may change the time

of the session of the General Assembly for the term for which they are elected shall receive as a compensation for their services six dollars per day for each day of their session, not exceeding sixty days; and should they remain longer they shall serve without compensation. They shall also receive ten cents per mile, both while coming to the seat of the General Assembly and while returning home, the said distance to be computed on the shortest line or route of public travel. The compensating officers of the two Houses shall be six dollars per day. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a compensation for a period not exceeding twenty days.

ARTICLE III

EXECUTIVE DEPARTMENT

The Executive Department shall consist of a Governor, who shall exercise the supreme executive power of the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Commissioner of Public Instruction, and an Attorney-General, all of whom shall be elected for a term of four years by the qualified electors at the same time and places and in the same manner as

representatives, who shall constitute a majority of the members of the Assembly. The person having the highest number of votes shall be declared duly elected; and in case of a tie, the highest in votes for the same office shall be declared elected by joint ballot of both Houses of the General Assembly. The elections shall be determined by a joint ballot of the General Assembly in such manner as shall be determined by the General Assembly.

Sec. 4. The Governor, before entering upon his office, shall, in the presence of the members of both Houses of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution of the United States, and of the State of North Carolina, and faithfully perform the duties appertaining to the office to which he has been elected.

Sec. 5. The Governor shall reside at the seat of the State, and he shall, from time to time, give information of the affairs of the State, and recommend for consideration such measures as he shall deem expedient.

Sec. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences (except in cases of impeachment), upon such conditions as he may see fit, subject to such regulations as may be provided by the General Assembly in the manner of applying for pardons. He shall transmit to the General Assembly each case of reprieve, commutation or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of the pardon or reprieve and the reasons therefor.

Sec. 7. The officers of the Executive Department of the State, shall at least five days previous to the next regular session of the General Assembly, severally report to the Governor, who shall transmit such reports with his message to the General Assembly; and the Governor may, at any time, require in writing from the officers in the Executive Department any subject relating to the duties of their respective offices, and take care that the laws be faithfully executed.

the Governor, his duties shall be discharged by the Lieutenant-Governor. His inability to discharge the duties of Governor shall in any case be ascertained by a vote of the members of the Council. The Lieutenant-Governor shall continue to discharge the duties of Governor until the disability shall cease, and he shall be elected and qualified. In every case in which the Governor shall be unable to provide over the government, the Council shall elect one of their own number President of the Council, who shall discharge the duties and emoluments of the office of Governor, and shall continue to discharge the duties of Governor until he is prevented from discharging the duties of Governor, and he shall continue as acting Governor until he is removed, or a new Governor or Lieutenant-Governor is elected and qualified. Whenever, during the recess of the Council, it shall become necessary for the President of the Council to administer the government, the Secretary of State shall advise the Council, that they may select such President. The Council shall discharge the duties of the Secretary of State, Auditor, Superintendent of Public Instruction, and Attorney-General, as prescribed by law. If the office of any of said officers shall become vacant by death, resignation or otherwise, it shall be the duty of the Council to appoint another until the disability be removed, and he shall be elected and qualified. Every such vacancy shall be filled at the first general election that occurs more than six months after the vacancy has taken place, and the person elected shall hold the office for the remainder of the unexpired term of the predecessor in office.

The Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of Executive Advisors. They shall advise the Governor in the execution of his office, and their advice shall constitute a quorum. Their advice and proceedings shall be entered in a journal to be kept for the Council, and signed by the members present, from which any member may enter his dissent; and such journal shall be presented before the General Assembly when called for by the Governor. The Attorney-General shall be, *ex officio*, the legal advisor of the Executive Department.

JUDICIAL

Section 1. The distinctions between law and equity, and the forms of all such actions shall be preserved, and there shall be in this State but one form of government or protection of private rights or the trial of which shall be denominated a civil action, to be instituted by the people of the State as a party, and with a public offense, for the punishment of which a criminal action. Feigned issues shall not be a fact at issue tried by order of Court before a jury.

Sec. 2. The judicial power of the State shall be vested for the trial of Impeachments, a Supreme Court, Courts of Justice of the Peace, and such other Courts as may be established by law.

Sec. 3. The Court for the trial of Impeachments shall be the Senate. A majority of the members shall be necessary for the judgment shall not extend beyond removal from office to hold, office in this State; but the party shall be indicted and punishment according to law.

Sec. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When impeached, the Chief Justice shall preside.

Sec. 5. Treason against the State shall consist in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Sec. 7. The terms of the Supreme Court shall be held twice a year, at Raleigh, as now, unless otherwise provided by the General Assembly.

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The Judges of the Superior Court shall be elected by the qualified voters thereof, as is prescribed by law. The Judges of the Superior Court shall hold office for eight years. The General Assembly may provide by law that the Judges of the Superior Court, at the next ensuing elections, instead of being elected by the qualified voters of the State, as is herein provided for, shall be elected by the qualified voters of their respective districts.

Sec. 22. The Superior Court shall be a court of record, and shall have jurisdiction of all business within their jurisdiction, and shall try all issues of fact requiring a jury.

Sec. 23. A Solicitor shall be elected by the qualified voters thereof, as is prescribed by law. The Solicitor shall hold office for the term of four years, and shall prosecute on behalf of the State, in all criminal cases, in the Superior Courts, and advise the officers of justice in the Superior Courts.

Sec. 24. In each county a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed by law. The Sheriff shall hold office for the term of four years, and the Coroner shall hold office for the term of four years. In each township there shall be a Constable elected by the qualified voters thereof, who shall hold his office for two years. If there is no Coroner in a county, the Clerk of the Superior Court for that county may appoint one for special cases. In the event of a vacancy existing for any cause in any of the offices created by this Constitution, the Commissioners of the county may appoint to fill such vacancy for an unexpired term.

Sec. 25. All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled by the Governor, unless otherwise provided for, and the person so appointed shall hold their places until the next regular election for the General Assembly, when elections shall be held to fill such vacancies. If any person, elected or appointed to any of said offices, shall fail to qualify, such offices shall be appointed to fill such vacancies as provided in case of vacancies occurring therein. The person so appointed shall hold until their successors are qualified.

any person may appeal to the Supreme Court from the judgment of the County Court. In all cases, however, the Clerk of the County Court shall be bound to forward the proceedings and the judgment of the County Court for his county, to the Clerk of the Supreme Court. The Clerk of the Peace shall become a Justice of the Peace at the expiration of the term, and in case of a failure by the people to elect, the Clerk of the Supreme Court shall appoint to fill the vacancy for the unexpired term.

The Clerk of a Superior Court for a county shall hold office for a term of years, not to exceed more than by the expiration of the term, and shall be elected by the people to elect, the Judge of the Superior Court shall appoint to fill the vacancy until an election is held.

The General Assembly shall establish other Courts, such as the County Court, the presiding officers and clerks shall be appointed in such manner as the General Assembly may prescribe, and they shall hold their offices for a term of years.

The Judges of the Supreme Court or of the Superior Court, the presiding officers of such Courts inferior to the Supreme Court, if established by law, may be removed from office for physical inability, upon a concurrent resolution of both Houses of the General Assembly. The Judge against whom the General Assembly may be about to pass a resolution of removal, shall receive notice thereof, accompanied by a copy of the resolution, at least twenty days before the next meeting of the House of the General Assembly shall act thereon. The Clerk of the Supreme Court, or of the Superior Court, or of any Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of the Judges of the Supreme Court by the Judges of said Courts, or of the Superior Courts by the Judge riding the circuit, or of the Clerks of such Courts inferior to the Supreme Court

Section 1. The General Assembly shall levy a tax on every male inhabitant in the State, of the age of twenty years of age, which shall be equal to the value of the land owned by him, valued at three hundred dollars in each county. The General Assembly may exempt from such tax several counties may exempt from such tax on account of poverty and infirmity, and the tax combined shall never exceed two dollars.

Sec. 2. The proceeds of the State and county taxes shall be applied to the purposes of education and the State shall in no one year shall more than twenty-five per cent be appropriated to the latter purpose.

Sec. 3. Laws shall be passed taxing, by a direct or indirect credit, investments in bonds, stocks, joint stock companies, and all real and personal property of value in money. The General Assembly may tax licenses, franchises, and incomes, provided that no tax shall be levied when the property from which the income is derived is taxed.

Sec. 4. Until the bonds of the State shall be paid, the General Assembly shall have no power to contract any debt or obligation in behalf of the State, except to raise money for suppressing invasions or insurrections, and when a bill levy a special tax to pay the interest and principal of the bonds. The General Assembly shall have no power to give or loan money from the State in aid of any person, association or corporation, for the completion of such railroads as may be undertaken after the adoption of this Constitution, or in which the State has a pecuniary interest, unless the subject be submitted to a vote of the people of the State, and be approved by three-fourths of those who shall vote thereon.

Sec. 5. Property belonging to the State, or to the counties, shall be exempt from taxation. The General Assembly shall exempt cemeteries and property held for educational, literary, charitable or religious purposes; also wearing apparel, household and kitchen furniture, the mechanical implements of mechanics and farmers, libraries,

any person who has been convicted, or is now in, or may hereafter be imprisoned, shall be permitted to vote unless the said person has been restored to citizenship in the manner prescribed by law.

Every person offering to vote shall be at the time a legally qualified elector as prescribed and in the manner hereafter provided by the General Assembly of North Carolina shall have laws to carry into effect the provisions of

any person presenting himself for registration shall be required to read any section of the Constitution in the English language. If he shall be entitled to vote, he shall have paid, on or before the first day of May of the year in which he proposes to vote, the poll tax of the previous year as prescribed by Article V, of the Constitution. But no male person who was on January 1, 1901, entitled to vote under the laws of the United States wherein he then resided, and no person who was on that date such person shall be denied the right to register for an election in this State by reason of his failure to pay the poll tax herein prescribed: *Provided*, he shall be permitted to vote in accordance with the terms of this section of the Constitution of 1901. The General Assembly shall provide for all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1,

That this amendment to the
on the first day of July, nineteen hundred and
votes cast at the next general election shall be
a change amendment.

ARTICLE VII

MUNICIPAL CORPORATIONS

SECTION 1. In each county there shall be a board of
qualified voters thereof, as provided for the
the General Assembly, the following officers, to-wit:
of Deeds, Surveyor and five Commissioners.

SEC. 2. It shall be the duty of the Commissioners to have
general supervision and control of the penal and
schools, roads, bridges, levying of taxes, and
as may be prescribed by law. The Register
officio, Clerk of the Board of Commissioners.

SEC. 3. It shall be the duty of the Commissioners of
each county to divide the same into convenient
the same to the General Assembly before the
1869.

SEC. 4. Upon the approval of the reports pro-
going section by the General Assembly, the said
corporate powers for the necessary purposes of law
shall be known as townships.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a large number of the Justices of the Peace in cities and towns and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a School Committee, consisting of three persons, whose duties shall be prescribed by law.

SEC. 6. The Township Board of Trustees shall assess the taxable property of their townships and make returns to the County Commissioners for revision, as may be prescribed by law. The Clerk shall be, *ex officio*, Treasurer of the township.

SEC. 7. No county, city, town or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

SEC. 8. No money shall be drawn from any county or township treasury except by authority of law.

SEC. 9. All taxes levied by any county, city, town or township shall be uniform and *ad valorem* upon all property in the same, except property exempted by this Constitution.

SEC. 10. The county officers first elected under the provisions of this Article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five and six of this Article shall have been carried into effect.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 13. No county, city, town or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this Article and substitute others in their place, except sections seven, nine and thirteen.

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act except for municipal purposes and in cases where, in the judgment of the Legislature, the object of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX

EDUCATION

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the Commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all moneys, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools and for no other uses or purposes whatsoever.

SEC. 5. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in

each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in anywise granted to or conferred upon the Trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-General shall constitute a State Board of Education.

SEC. 9. The Governor shall be President and the Superintendent of Public Instruction shall be Secretary of the Board of Education.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed they shall not be re-enacted by the Board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the Board.

SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business.

SEC. 13. The contingent expenses of the Board shall be provided by the General Assembly.

SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction.

SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

SECTION 1. The personal property of any resident of this State to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court issued for the collection of any debt.

§ 7. The husband may, without the assent of his wife and children, alienate the amount that he may receive, and children, or to the guardian if he be a minor, free from all the claims of the wife or any of his creditors.

§ 8. Nothing contained in the foregoing shall operate to prevent the owner of a lot of the same by deed; but no deed made by the wife, signified on her private examination

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS AND

SECTION 1. The following punishments only are provided for by the laws of this State, viz.: death, imprisonment with hard labor, fines, removal from office, and disqualification to enjoy any office of honor, trust or profit under the State. No provision for imprisonment with hard labor shall be construed to authorize the employment of such convicts on public works or highways, or other labor for public use, except as provided out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has

as soon as practicable, be measures devised for the establishment of one or more orphan houses, where the same may be cared for, educated and taught some trade or profession.

It is the duty of the Legislature, as soon as practicable, to provide for the education of idiots and imbeciles. The General Assembly may provide that the indigent deaf and dumb of the State shall be cared for at the charge of the State.

It is steadily kept in view by the Legislature and the Executive, that all penal and charitable institutions shall be nearly self-supporting as is consistent with the objects of the same.

ARTICLE XII

MILITIA

Every able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to do duty in the militia: but persons who may be averse to bearing arms, from religious or other conscientious scruples, shall be exempt therefrom.

ARTICLE XIV

MISCELLANEOUS

SECTION 1. All indictments which shall hereafter be found, for any crime or offense in this Constitution takes effect, may be proceeded in the Courts, but no punishment shall be inflicted which is contrary to this Constitution.

SEC. 2. No person who shall hereafter fight a duel, or serve as a second, or send, accept, or knowingly aid therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

SEC. 3. No money shall be drawn from the Treasury in consequence of appropriations made by law; and an annual statement of the receipts and expenditures of the public money shall be published.

SEC. 4. The General Assembly shall provide, by law, for giving to mechanics and laborers an adequate lien on the matter of their labor.

SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made.



Senate and House of Representatives of the United States assembled, That all that part of the United States included within the following description, beginning at a point in the main channel of the Missouri river where the forty-ninth degree of north latitude crosses up the main channel of the same, and extending to the State of Minnesota to Big Stone Lake; thence up the boundary line of the said State of Minnesota to the boundary line of the State of Iowa to the Missouri river; thence following the boundary line of the State of Iowa to the Missouri river; thence between the Big Sioux and Missouri rivers;

and an organic nature relating to the Territory of Dakota to prohibit slavery in, June 19, 1862; to define the veto and other powers of the Governor, March 2, 1863; to regulate elective franchise in, January 2, 1867; to prohibit special acts of incorporation, March 2, 1867; to prohibit the passage of general laws for the incorporation of certain companies, March 2, 1867; to limit the duration of legislative sessions and to fix the time of meeting, February 23, 1873; to readjust the western boundary of, February 23, 1873; to declare the true meaning of a certain territorial act, March 2, 1879; to appoint an additional judge, March 3, 1879; to fix number of members of each house of legislature, June 19, 1878, June 27, 1879; to fix number of members of legislature, June 12, 1884; to reorganize courts and judges, July 4, 1884; to limit number of representative members of legislature, July 4, 1884; to limit legislature's power to pass special acts of incorporation, July 4, 1884; to give validity to certain acts of legislature, June 30, 1888; to prohibit various forms of special legislation, July 30, 1888; to permit the Governor to appoint and remove judges, July 19, 1888; to reorganize the courts, August 8, 1888.

of the United States from any other Territory, in such manner and in such terms as shall seem convenient and proper, or as may be required by any other Territory or State, and shall be subject to the same. And be it further enacted, That the governor, who shall hold his office for four years, shall be appointed and qualified, subject to the President of the United States. The governor of said Territory, shall be commander-in-chief of the militia, shall perform the duties and receive the emoluments of an officer of Indian affairs, and shall approve all laws passed by the legislative assembly before they shall take effect; he shall pardon offences against the laws of said Territory and offences against the laws of the United States until the decision can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a judge of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States. He shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the orders and writings of the governor in his executive department; he shall send one copy of the laws, and one copy of the executive proceedings, before the first day of December in each year, to the President of the United States, and, at the same time, two copies of the same to the

and the first election shall be held on the first day of January, 1890, and be conducted in such manner as the governor shall direct; and he shall, at the same time, divide the Territory into council districts, and the members of the council and house of representatives from each of the counties or districts shall be entitled to an equal number of persons authorized to be elected, have an equal number of votes in each of the said council districts. The number of persons authorized to be elected to the council, shall be declared by the governor to be the number of persons authorized to be elected to the house of representatives; and the person or persons authorized to be elected to the council, shall be declared by the governor to be the person or persons authorized to be elected to the house of representatives: *Provided*, That in case of a tie between two persons voted for, the governor shall order a new election to fill the vacancy made by such tie. And the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the governor shall be prescribed by law, as well as the day of the regular sessions of the legislative assembly: *Provided*, That no one session shall exceed the term of forty days, which may be extended to sixty days, but no longer.

And it further enacted, That every free white male citizen of the United States above the age of twenty-one years, who has been a resident of said Territory at the time of the adoption of this act, shall be entitled to vote at the first election, and

...shall hold or be appointed to any office created, or the salary or emolument of which shall be increased while he was a member, and for one year after the expiration of his term of office, and no person holding a commission or appointment in the United States, except postmasters, shall be a member of the Territory, or shall hold any office under the government of the Territory.

Sec. 9. *And be it further enacted,* That the judicial power of said Territory shall be vested in a supreme court, district courts, and in justices of the peace. The supreme court shall consist of a chief-justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term of court for the government of said Territory annually, and they shall hold office during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at the time and place as may be prescribed by law; and each justice shall, after their appointments, respectively, reside in the district which shall be assigned them. The jurisdiction of the courts herein provided for, both appellate and original, shall be determined by law: *Provided,* That justices of the peace shall not have jurisdiction of any matter in controversy when the title of the same shall be in dispute.

...shall be appointed to the
...the said Constitution and laws, and
...all such cases shall be made to the
...the same as in other cases. The same
...with cases, the same fees which the clerk
...Territory now receive for similar
...enacted, That there shall be appointed
...Territory, who shall continue in office for four
...removed by the President, and who shall receive
...as the attorney of the United States for the
...Nebraska. There shall also be a marshal for the
...who shall hold his office for four years, unless
...President, and who shall execute all processes
...courts when exercising their jurisdiction as
...of the United States; he shall perform the
...the same regulations and penalties, and be enti-
...as the marshal of the district court of the
...the present Territory of Nebraska, and shall, in
...two hundred dollars annually as a compensation for

It further enacted, That the governor, secretary,
associate justices, attorney, and marshal, shall be
and with the advice and consent of the Senate,

SEC. 11. The sum to be expended by the Territory shall annually account to the United States for the manner in which the same have been expended. The sum to be expended by the Territory shall annually account to the United States for the manner in which the same have been expended. The sum to be expended by the Territory shall annually account to the United States for the manner in which the same have been expended.

SEC. 12. *And be it further enacted, That* the Territory of Dakota shall hold its place in said Territory as the governor direct; and at said first session, or as soon deem expedient, the governor and legislative to locate and establish the seat of government at such place as they may deem eligible; w thereafter be subject to be changed by the legislative assembly.

SEC. 13. *And be it further enacted, That* Representatives of the United States, to serve in the United States, may be elected by the members of the legislative assembly, who shall be

That the Constitution and the laws of the United States which are not locally inapplicable shall have full force within the said Territory of Dakota.

It is further enacted, That the President of the United States, with the advice and consent of the Senate, shall have authority to appoint a surveyor-general for the Territory of Dakota, his office at such place as the Secretary of the Interior may from time to time direct, and whose duties, powers, responsibilities, compensation, and allowances for clerk hire and incidental expenses, shall be the same as for the surveyor-general of Nebraska and Kansas, under the authority of the Secretary of the Interior, and such instructions as the President may from time to time deem it advisable to give him.

It is further enacted, That so much of the public lands of the United States in the Territory of Dakota, west of its boundary with Nebraska and east and north of the Niobrara, or Running River, as the President may direct, be organized into a land district, to be called the Yankton land district. The land office for said district shall be located at such point as the President may direct, and the surveyor-general shall from time to time to other points within said district, in his opinion, it may be expedient.

It is further enacted, That the President be, and he is authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said district, who shall be required to reside at the site of said office, and who shall exercise the powers, perform the same duties, and be entitled

and whereas it was provided by an act of the Legislature of Dakota should, for the purpose of dividing on the line of the seventh standard meridian west to the western boundary of said Territory, be elected as therein provided to the Congressional districts north of said parallel should assemble at the time prescribed in the act, at the city of Bismarck,

And whereas it was provided by the said act, that the electors so elected as aforesaid should, after they had met, declare on behalf of the people of North Dakota, that they desired to form a Constitution of the United States; whereupon the said electors should be authorized to form a constitution and government for the proposed State of North Dakota;

And whereas it was provided by said act that any act adopted should be republican in form and manner, and should not abridge the civil or political rights on account of race or color of persons, and that no tax on Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and that the Convention should, by an ordinance in conformity with the consent of the United States and the people of the Territory, make certain provisions prescribed in said act;

And whereas it was provided by said act that the North Dakota and South Dakota should, respect-

...to me by the said Governor that
the said Constitution was submitted to
the people of the State, numbered twenty and entitled
...and received a majority of all the
...said article as well as a majority of all the
...the Constitution, and was adopted.
...authenticated copy of said Constitution, with
...signatures, as required by said act has been

Benjamin Harrison, President of the United
States, in accordance with the provisions of the act of
Congress, do hereby declare and proclaim the fact that the conditions
...on the State of North Dakota to entitle that
...the Union have been ratified and accepted and
...of the said State into the Union is now complete.
In proof, I have hereunto set my hand and caused the
Seal of the United States to be affixed.

Given under my hand and the Seal of the United States
at the City of Washington, this second day of November, in
the year of our Lord one thousand eight hundred and
ninety-one, and of the Independence of the United States
the one hundred and fourteenth.

BENJ. HARRISON.

WILLIAM L. DRAKE,
Secretary of State.

...but the liberty of conscience shall not be construed so as to excuse acts of lawlessness inconsistent with the peace or order of the State.
§ 5. The privilege of the writ of *habeas corpus* shall not be suspended unless when in case of rebellion or insurrection it may require.

§ 6. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor shall cruel or unusual punishments be inflicted.

* Verified from copy sent by the Secretary of State, June 28, 1907. (N. d.; no title page, Editor.)

The Convention which formed this Constitution assembled at Bismarck, July 4, 1889, adjourned, August 17, 1889, and was adjourned again October 1, 1889. For the Constitution, 27,441; against the Constitution, 8,107.

"Journal of the Constitutional Convention for North Dakota, Bismarck, Thursday, July 4, to Aug. 17, 1889, together with the Proceedings of the Congress and the Proceedings of the joint commission on the division of Territorial Property, Bismarck, North Dakota, State Printers and Binders, 1889," pp. 400. Ap. "A," "B."

Official Report of the Proceedings and Debates of the Constitutional Convention of North Dakota, assembled in the City of Bismarck, Aug. 17th, 1889. R. M. Tuttle, Official Stenographer, State Printers and Binders, 1889," pp. 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 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...shall have a right to a speedy and public trial; to have the attendance of witnesses in his person and with counsel. No person shall be in jeopardy for the same offense, nor be compelled to be a witness against himself, nor be deprived of property without due process of law.

...shall not be taken or damaged for public accommodation having been first made to, or paid for, and no right of way shall be appropriated for any other purpose, other than municipal, until full compensation first made in money or ascertained and paid into the treasury of the state, or into the treasury of the corporation, which compensation shall be ascertained by a jury be waived.

...shall be imprisoned for debt unless upon refusal to pay for the benefit of his creditors, in such manner as may be provided by law; or in cases of tort; or where there is fraud.

...no ex post facto law, or law impairing the obligation of contracts shall ever be passed.

...nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

THE LEGISLATIVE DEPARTMENT

§ 25. The legislative power shall be vested in the representatives.

§ 26. The senate shall be composed of not less than fifty members.

§ 27. Senators shall be elected for the term hereinafter provided.

§ 28. No person shall be a senator who is not of the district in which he may be chosen, and who has attained the age of twenty-five years, and has resided in the state or territory for two years next preceding his election.

§ 29. The legislative assembly shall fix the number of senators, and divide the state into as many senatorial districts as the number of senators, which districts as nearly as may be, shall be equal in the number of inhabitants entitled to representation; and each district shall be entitled to one senator and no more, and each senator shall represent a compact and contiguous territory; and no part of a county shall be attached to any other county, or part thereof, to form a district. The districts as thus ascertained shall continue until changed by law.

...shall be the number of members of the house of representatives of North Dakota; and the members of the house of representatives shall constitute the house of representatives of the state, within the limits prescribed by this constitution. At any regular session shall proceed to reapportion the members of the house of representatives, as prescribed by this constitution, and to apportion the senators and representatives to the several senatorial districts; provided, that the legislature at any regular session, redistrict the state into senatorial districts and apportion the senators and representatives to the several senatorial districts.

The house of representatives shall elect one of its members as

clerk of any court, secretary of state, attorney general, sheriff or person holding any office of profit except in the militia or the office of attorney at law, justice of the peace, and no person holding any office under any foreign government, or under the government of the United States, except postmasters whose annual compensation exceed the sum of three hundred dollars, shall hold any office in the branch of the legislative assembly or become a

member of the legislative assembly, expelled for corruption or convicted of bribery, perjury or other infamous crime, shall be ineligible to the legislative assembly, or to any office in the state.

any other member of the assembly who is guilty of such conduct shall be expelled, and shall be liable to such further punishment as may be determined by law.

§ 41. The term of service of the members of the assembly shall begin on the first Tuesday in January.

§ 42. The members of the legislative assembly shall be exempt from arrest during their attendance at the sessions of the houses, and in going to or returning from the sessions, in any speech or debate in either house, they shall be privileged in any other place.

§ 43. Any member who has a personal or private interest in any measure or bill proposed or pending before the assembly shall disclose the fact to the house of which he is a member, and shall not vote thereon without the consent of the house.

§ 44. The governor shall issue writs of election in cases as may occur in either house of the legislative assembly.

§ 45. Each member of the legislative assembly shall receive compensation for his services for each session, and ten cents for every mile of necessary travel in going and returning from the place of the meeting of the legislative assembly by the most usual route.

§ 46. A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day.

shall meet at the seat of government on the first Monday in January following the election of the members thereof.

Any action to be made by the legislative assembly, or any of its members shall vote viva voce, and their votes shall be entered in the journal.

The legislative assembly shall be biennial, except as provided in this constitution.

No session of the legislative assembly shall exceed one year, except in case of impeachment, but the first session of the assembly may continue for a period of one hundred and twenty days.

Any bill originate in either house of the legislative assembly, and if passed by one house may be amended by the other house.

No bill shall be passed, except by a bill adopted by both houses, and it shall be so altered and amended on its passage as to change its original purpose.

The closing clause of every law shall be as follows: "Be it enacted by the Legislative Assembly of the State of North Dakota."

No bill for the appropriation of money, except for the expenses of the government, shall be introduced after the fortieth day of January except by unanimous consent of the house in which it is introduced.

No bill shall embrace more than one subject, which shall be clearly defined, but a bill which violates this provision shall be void.

shall, by a vote of two-thirds of the members present, amend or repeal any law or resolution otherwise directed.

§ 58. The legislative assembly shall not amend or repeal any law or resolution so as to affect the provisions of this constitution.

§ 59. The legislative assembly shall not pass any law in any of the following enumerated cases, that shall

1. For granting divorces.
2. Laying out, opening, altering, or widening roads, town plats, streets, alleys or public places.
3. Locating or changing county seats.
4. Regulating county or township affairs.
5. Regulating the practice of courts of justice.
6. Regulating the jurisdiction and duties of police magistrates or constables.
7. Changing the rules of evidence in any trial.
8. Providing for changes of venue in civil or criminal cases.
9. Declaring any person of age.
10. For limitation of civil actions, or giving effect to any law that shall render invalid deeds.
11. Summoning or impaneling grand or petit juries.
12. Providing for the management of common law.
13. Regulating the rate of interest on money.
14. The opening or conducting of any election or place of voting.
15. The sale or mortgage of real estate belonging to others under disability.

...of members of the board of supervisors of any town or city.

...where a general law can be made applicable, no local or special law shall be enacted; nor shall the legislative assembly repeal or amend any general or local law by the partial repeal of a general law, nor shall any repealing local or special acts may be passed.

ARTICLE 8

EXECUTIVE DEPARTMENT

The executive power shall be vested in a governor, who shall hold office for the term of four years, and shall hold his office for the term until his successor is elected and duly qualified.

The lieutenant governor shall be elected at the same time and place as the governor. In case of the death, impeachment, failure to qualify, absence from the state, removal from office, or disability of the governor, the powers and duties of the governor shall devolve upon the lieutenant governor. The lieutenant governor shall be eligible to the office of governor or lieutenant governor unless he be a citizen of the United States, and a resident of the state, who shall have attained the age of twenty-one years, and who shall have resided five years next preceding the

§ 76. The governor shall have power to grant reprieves, commutations and pardons, except treason and cases of impeachment, which the assembly may by law regulate the manner of granting. After conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the assembly at its next regular session, when the legislature may pardon or commute the sentence, direct the execution or grant further reprieve. He shall compile and publish at each regular session each commutation, reprieve, commutation or pardon granted by him, with the name of the convict, the crime for which he is convicted, the date of the conviction, the date of the remission, commutation or reprieve, with his reasons for granting the same.

§ 77. The lieutenant governor shall be president of the senate. He shall have no vote unless they be equally divided. In case of a vacancy in the office of governor, the lieutenant governor shall, if impeached, displaced, resign or die, or from neglect of duty, or otherwise become incapable of performing the duties of the office, the secretary of state shall act as governor until the office shall be filled or the disability removed.

§ 78. When any office shall from any cause become vacant, the mode is provided by the constitution or law for filling the same, the governor shall have power to fill such vacancy.

§ 79. Every bill which shall have passed the assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign, but if not, he shall return it with his objections to the house in which it originated, which shall then enter the objections at large upon the journal, and proceed

shall give his official vote or influence on any proposition or matter upon which he may be called in his official capacity, or who menaces any member of the said governor, or who offers or promises to the said governor, will appoint any particular office created or thereafter to be created, in which any member shall give his official vote or influence, or who thereafter to be introduced into either legislative assembly, or who threatens any member that he will remove any person or persons from office, or in any manner to influence the action of said assembly in the manner now, or that may hereafter, be provided, and upon conviction thereof shall forfeit all right to exercise any office of trust or honor in this state.

shall be chosen by the qualified electors of the state at the time of choosing members of the legislative assembly, a comptroller, auditor, treasurer, superintendent of public instruction, commissioner of insurance, three commissioners of railroads, one commissioner of mines and one commissioner of agriculture and labor, who have attained the age of twenty-five years, shall be citizens of this state, and shall have the qualifications of state officers. They shall severally hold their offices at the seat of government for a term of two years and until their successors are qualified, but no person shall be eligible to the office of any of them more than two consecutive terms.

shall have the power to increase the number of the supreme court to five, in which case the number of judges increased, shall constitute a quorum. No business shall be transacted by law upon the supreme court or any other court, except such as are judicial, nor shall any officer exercise any power of appointment except as provided in this constitution.

All process shall be "The State of North Dakota." All suits shall be carried on in the name and by the authority of the State of North Dakota, and conclude "against the peace and good government of North Dakota."

Any vacancy happening by death, resignation or otherwise in any office of the supreme court shall be filled by appointment, which appointment shall continue until the first election thereafter, when said vacancy shall be filled by the electors.

The salaries of the supreme and district courts shall receive compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term of office of a judge shall have been elected.

When a judge of the supreme court shall be in any way disabled from performing his duties, the remaining judges of the court, when brought before said court, the remaining judges shall call one of the district judges to sit with them on any case brought before them.

When a judgment or decree is reversed or confirmed by the court, the court shall state every point fairly arising upon the record of the case, and the reasons therefor shall be stated and decided, and the reasons therefor shall be

§ 105. Until otherwise provided by law, the judicial districts shall be constituted as follows:

District No. One shall consist of the counties of Lincoln, Walsh, Nelson and Grand Forks.

District No. Two shall consist of the counties of Benson, Pierce, Rolette, Bottineau, Towner, Ward, Stevens, Mountrail, Garfield, and Williams.

District No. Three shall consist of the counties of Towner, Fergus, and Traill.

District No. Four shall consist of the counties of Sargent, Dickey and McIntosh.

District No. Five shall consist of the counties of Stutsman, Barnes, Wells, Foster, Eddy and Grand.

District No. Six shall consist of the counties of Kidder, Sheridan, McLean, Morton, Oliver, Hettinger, Bowman, Billings, McKenzie, Deuel, and that portion of the Sioux Indian reservation north of the seventh standard parallel.

§ 106. The legislative assembly may whenever the members of each house shall concur therein, but not more than once in four years increase the number of said judicial districts and the number of judges thereof; such districts shall be formed by law, shall be coterminous with county lines, but such increase shall not work the removal of a judge from his office during the term for which he was elected or appointed.

§ 107. No person shall be eligible to the office of judge unless he be learned in the law, be at least twenty-one years of age, and a citizen of the United States, nor unless he has resided within the State or Territory of Dakota at least one year immediately preceding his election, nor unless he shall at the time of his election be an elector within the judicial district for which he is elected.

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JUSTICES OF THE PEACE

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§ 105. Until otherwise provided by law, the judicial districts shall be constituted as follows:

District No. One shall consist of the counties of Adams, Lincoln and Grand Forks.

District No. Two shall consist of the counties of Benson, Pierce, Rolette, Bottineau, McLean, Ward, Stevens, Mountrail, Garfield, and Fergus.

District No. Three shall consist of the counties of Towner, Wells, and Traill.

District No. Four shall consist of the counties of Sargent, Dickey and McIntosh.

District No. Five shall consist of the counties of Stutsman, Barnes, Wells, Foster, Eddy and Cavalier.

District No. Six shall consist of the counties of Kidder, Sheridan, McLean, Morton, Oliver, Mandan, Hettinger, Bowman, Billings, McKenzie, Deuel, and that portion of the Sioux Indian reservation north of the seventh standard parallel.

§ 106. The legislative assembly may whenever the members of each house shall concur therein, but not more than once in four years increase the number of said judicial districts and the number of judges thereof; such districts shall be formed by law, and bounded by county lines, but such increase shall not work the removal of a judge from his office during the term for which he was elected or appointed.

§ 107. No person shall be eligible to the office of judge unless he be learned in the law, be at least twenty-one years of age, and a citizen of the United States, nor unless he has resided within the State or Territory of Dakota at least one year immediately preceding his election, nor unless he shall at the time of his election be an elector within the judicial district for which he is elected.

the jurisdiction of said court shall have been increased to two thousand or over dollars, then said county court shall have concurrent jurisdiction with the district court in all civil actions in which the amount in controversy does not exceed one thousand dollars, and in cases below the grade of felony, and in case it is the wish of any county to so increase the jurisdiction of said court, the jurisdiction in cases of misdemeanors arising within the county may have been conferred upon police magistrates. The qualifications of the judge of the county court shall be the same as those of the district judge, except that he shall be a resident of the county at the time of his election, and said judge shall receive such salary for his services as may be provided by law. In case the voters of any county decide to increase the jurisdiction of said county courts, then such jurisdiction shall remain until otherwise provided by law.

JUSTICES OF THE PEACE

The legislative assembly shall provide by law for the election of justices of the peace in each organized county within the state. The number of said justices to be elected in each organized county shall be limited by law to such a number as shall be necessary for the administration of justice. The justices of the peace shall have concurrent jurisdiction with the district court in all civil actions when the amount in controversy, including costs, does not exceed two hundred dollars, and in cases where no county court with criminal jurisdiction exists they shall have jurisdiction to hear and determine cases of misdemeanors as may be provided by law, but in no case shall said justices have jurisdiction when the boundaries of or title to real estate are in question. The legislative assembly shall have the power to remove the office of justice of the peace and confer that office upon judges of county courts or elsewhere.

§ 116. Judges of the district courts shall hold no other office or position of honor or emolument than their own under such regulations as may be prescribed by law.

§ 117. No judge of the supreme or district court shall be an attorney or counselor at law.

§ 118. Until the legislative assembly shall otherwise provide, the terms of courts, the judges of the supreme and district courts shall fix the terms thereof.

§ 119. No judge of the supreme or district court shall be appointed to any other than judicial office during the term for which he was elected or appointed, nor shall he receive votes or appointments for either of them for any other judicial office except that of judge of the supreme court, nor shall he be given by the legislative assembly of the people.

§ 120. Tribunals of conciliation may be established with powers and duties as shall be prescribed by law, or the powers and duties of such may be conferred upon other courts of justice, and tribunals or other courts when sitting as such, shall render judgment to be obligatory on the parties who voluntarily submit their matters of difference and agreement to the judgment of such tribunals or courts.

ARTICLE 5

ELECTIVE FRANCHISE

§ 121. Every male person of the age of twenty-one years, and belonging to either of the following classes, who shall have resided in the state one year, in the county six months and in the city or town six days next preceding any election, shall be deemed a qualified elector at such election:

1. Citizens of the United States.
2. Persons of foreign birth who shall have declared their intention to become citizens, one year and not more than six months before the election, conformably to the naturalization laws of the United States.

by the people shall be by secret ballot, subject to such provisions as shall be provided by law.

• See amendments, Article 2.

the property and the same shall be subject to the control of the public and the exercise of the police power of the state; and no corporation shall engage in such a manner as to interfere with the public interests or the general well-being of the state.

§ 135. In all elections for directors of a corporation each member or shareholder may cast his vote for one candidate, or distribute them among several as he may prefer.

§ 136. No foreign corporation shall do business in this state having one or more places of business and agents in the same, upon whom process may be served.

§ 137. No corporation shall engage in any business not expressly authorized in its charter.

§ 138. No corporation shall issue stock or bonds for labor done, or money or property actually received. Any increase of stock or indebtedness shall be void. The indebtedness of corporations shall not be increased without the consent of the persons owning the stock, or without the consent of the persons owning the stock first obtained at a meeting called for that purpose after sixty days' notice given in pursuance of law.

§ 139. No law shall be passed by the legislature giving the right to construct and operate a street railway, telephone or electric light plant within any city, town or village, without requiring the consent of the local authorities having the control of the street or highway proposed to be used for such purposes.

§ 140. Every railroad corporation organized and operating in this state, under the laws or authority thereof, shall maintain a public office or place in the state for the transaction of its business, where transfers of its stock shall be made, and where shall be kept for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock and the amount owned by them, the amount of stock paid in and by whom, and the transfers of the same, the amount of its assets and liabilities and the net

of the public highways, telegraphs, telephones, and transmission lines, and the rates of freight and freight, are declared to be under the legislative control; and the legislature is empowered to enact laws regulating and controlling the transportation of passengers, freight, and mail by common carriers, from one point to another in this state; that appeal may be had to the courts of this state to fix; but the rates fixed by the legislative body of railroad commissioners shall remain in force until the courts.

Every person or corporation organized for the purpose of constructing and operating a railroad between any two points, and to connect at the state line with the railroad of another state. Every railroad company shall have the right to intersect, connect with or cross any other; and shall be required to transport each other's passengers, tonnage and cars, without delay or discrimination.

The word "corporation," as used in this article, shall not include embracing municipalities or political subdivisions, unless otherwise expressly stated, but it shall be held to include all associations and joint stock companies exercising the powers or privileges of corporations not possessed by individuals or partnerships.

When a general banking law be enacted, it shall provide for the countersigning by an officer of the state, of all notes issued for circulation, and that ample security to the full value of such notes or bills shall be deposited with the state treasurer for the redemption of such notes or bills.

No combination between individuals, corporations, associations, or partnerships, having for its object or effect the controlling of the price of any product of the soil or any article of manufacture, or the cost of exchange or transportation, is prohibited and declared unlawful and against public policy; and any contract heretofore granted or extended, or that may be granted or extended in this state, whenever the owner thereof violate this article shall be deemed annulled and

...the property and ...
...the public use, and ...
...and ... of the public ...
...as ...
...and respect for ...
A superintendent of ...
every two years, whose ...
ation shall be fixed by law.

§ 151. The legislative assembly ...
be necessary to prevent illiteracy, ...
firmity in course of study, and to ...
and agricultural improvements.

§ 152. All colleges, universities and ...
for the support of which lands have ...
which are supported by a public tax, ...
and exclusive control of the state. No ...
of the public schools of the state ...
for the support of any sectarian school.

ARTICLE 9 SCHOOL AND PUBLIC

§ 153. All proceeds of the public lands ...
or may hereafter be granted by the United ...
of the common schools in this state; all such ...
granted by the United States on the sale of ...
ceeds of property that shall fall to the state ...
ceeds of all gifts and donations to the state ...
not otherwise appropriated by the terms of ...
property otherwise acquired for common sch ...
a perpetual fund for the maintenance of the ...
the state. It shall be deemed a trust fund, ...
shall forever remain inviolate and may be i ...
ished. The state shall make good all losses ...

§ 154. The interest and income of this fund ...
proceeds of all fines for violation of state laws ...

...the same lands as above
...five years after the same have been
...the more than one-half of the
...the same having value as above
...be sold at any time after the expiration of
...legislative assembly shall provide for the sale
...to the provisions of this article. The same
...never be sold, but the legislative assembly may
...for leasing the same. The words "and
...lands bearing lignite coal."

...superintendent of public instruction, governor, attorney
...state and state auditor shall constitute a board of
...shall be denominated the "Board of Uni-
...Lands," and subject to the provisions of this
...that may be passed by the legislative assembly,
...have control of the appraisement, sale, rental and
...school and university lands, and shall direct the
...lands arising therefrom in the hands of the state
...the limitations in section 160 of this article.

...county superintendent of common schools, the chair-
...board, and the county auditor shall constitute
...and under the authority of the state board of
...school lands shall appraise all school lands within
...counties which they may from time to time recom-
...their actual value under the prescribed terms and
...and designate for sale the most valuable lands.

...shall be sold for less than the appraised value and
...less than \$10 per acre. The purchaser shall pay one-
...in cash and the remaining four-fifths as follows:
...years, one-fifth in ten years, one-fifth in fifteen years
...in twenty years with interest at the rate of not less than
...payable annually in advance. All sales shall be held
...seat of the county in which the land to be sold is situ-
...be at public auction and to the highest bidder, after
...advertisement of the same in a newspaper of general circu-
...mainity of the lands to be sold, and one at the seat of
...Each lands as shall not have been specially subdivided
...in tracts of one-quarter section, and those so sub-
...smallest subdivisions. All lands designated for sale
...within two years after appraisal shall be reappraised

and subject to all the conditions as to leasing above for the appraisal and sale of lands for schools; but a distinct and separate account of proper officers of each of said funds; provided as to the time in which school land may be sold; lands granted for the support of common schools.

§ 161. The legislative assembly shall have the law for the leasing of lands granted to the state for charitable purposes; but no such law shall allow said lands for a longer period than five years; and be leased for pasturage and meadow purposes after notice as heretofore provided in case of sale of said school lands now under cultivation may be in the discretion and under the control of the board of school lands, for other than pasturage and meadow purposes rents shall be paid in advance.

§ 162. The moneys of the permanent school fund and other funds shall be invested only in bonds of the state within the state, bonds of the United States, bonds of North Dakota or in first mortgages on farm lands not exceeding in amount one-third of the actual value of the land on which the same may be loaned, such value to be determined by the board of appraisers of school lands.*

§ 163. No law shall ever be passed by the legislature granting to any person, corporation or association the right to occupy, cultivate or improve any public lands by said person, corporation or association without a survey thereof by the general government. No claim to the occupation, cultivation or improvement of any public lands shall be recognized, nor shall such occupation, cultivation or improvement be

* See amendment, Article 8. 141

any bank or with any person or persons in any manner or for any purpose or purposes to allow any portion of the funds or property of the state school funds to be expended, except in the manner provided by law, or to constitute an embarrassment of so much as shall be thus taken or loaned, or deposited, or disbursed, and shall be a felony; and any failure to account for, the state school funds or any part thereof to any such officer, as by law required or directed, shall and be taken to be prima facie evidence of such felony.

ARTICLE 10

COUNTY AND TOWNSHIP ORGANIZATION

All counties in the Territory of Dakota lying north of the standard parallel, as they now exist, are hereby designated as counties of the State of North Dakota.

The legislative assembly shall provide by general law for the organization of new counties, locating the county seats thereof temporarily, changing county lines; but no new county shall be organized until any organized county be so reduced as to include less than twenty-four congressional townships, and contain a population of less than one thousand bona fide inhabitants. In the organization of new counties and in changing the lines of counties and boundaries of congressional townships the following principles shall be observed as nearly as may be.

Changes in the boundaries of organized counties before the legislature shall be submitted to the electors of the county or counties affected thereby at a general election and be adopted by a majority of all the legal votes cast in each county at such election; and if any portion of an organized county is stricken off and added to another, the county to which such portion is added shall be helden for an equitable proportion of the indebtedness of the county so reduced.

The legislative assembly shall provide by general law for the location of county seats in organized counties, but it shall have no power to move the county seat of any organized county.

§ 172. Until the system of county government is adopted, the general township boards in each county shall be transacted by a board of county commissioners. Said board shall consist of not less than three members whose terms of office shall be prescribed by law. They shall hold sessions for the transaction of business as provided by law.

§ 173. At the first general election held under the constitution, and every two years thereafter, in each organized county in the state, a county clerk, register of deeds, county auditor, treasurer, attorney, who shall be electors of the county in which they shall hold their office until their successors are qualified. The legislative assembly shall provide for county, township and district officers as may be necessary and shall prescribe the duties and compensation of township and district officers. The sheriff and coroner shall not hold their respective offices for more than one succession.

ARTICLE 11

REVENUE AND TAXATION

§ 174. The legislative assembly shall provide a sufficient sum to defray the expenses of the state for any year which shall exceed in any one year four mills on the dollar of the valuation of all taxable property in the state, to be assessed by assessment made for state and county purposes, and the sum to pay the interest on the state debt.

§ 175. No tax shall be levied except in pursuance of law imposing a tax shall state distinctly the object for which only it shall be applied.

...shall be assessed as common carriers and shall be assessed as such, and the provisions of law providing for the payment of taxes shall be in force, that part of section 179 of the constitution relating to the assessment of railroad property shall cease to be in force.

Land on which a right-of-way shall be located shall not be considered as an improvement in land for the purpose of assessment. The right of taxation shall never be surrendered or assigned by any contract to which the state or any county or corporation shall be a party.

Property, except as hereinafter in this section provided, shall be assessed in the county, city, township, town, village or district in which it is situated, in the manner prescribed by law. The right-of-way, roadbed, rails and rolling stock of all railroads in this state shall be assessed by the state board of equalization at their actual value and such assessed valuation shall be apportioned to the counties, cities, towns, townships and districts in which they are located, as a basis for taxation of such property in proportion to the number of miles of railway laid in such counties, cities, towns, townships and districts.

The legislative assembly may provide for the levy, collection and payment of an annual poll tax of not more than one cent on every male inhabitant of this state over twenty-one and under fifty years of age, except paupers, idiots, insane persons and Indians not taxed.

The legislative assembly shall pass all laws necessary to carry out the provisions of this article.

ARTICLE 12

PUBLIC DEBT AND PUBLIC WORKS

The state may, to meet casual deficits or failure in the revenue, or in case of extraordinary emergencies, contract debts, but

^a See amendments, Article 5.

§ 183. The debt of any township, village, city or any other political subdivision shall not exceed five per centum upon the assessed value of the property therein; provided, that any incorporated city or village may incur such indebtedness three per centum in excess of the said five per cent limit. In addition to the debt of any city, county, township, school district or other political subdivision may incur, the entire amount of any debt contracted prior or subsequent to the adoption of this constitution shall be included; provided, further, that no city or township shall become indebted in any amount not exceeding the limit of such assessed value without regard to the purpose of such city, for the purpose of constructing a water supply for furnishing a supply of water to the inhabitants thereof for the purpose of constructing sewers, or for any other purpose whatever. All bonds or obligations in excess of the indebtedness permitted by this constitution, of any city, township, town, school district, or any other political subdivision shall be void.

§ 184. Any city, county, township, town, village or other political subdivision incurring indebtedness shall, at the time of so doing, provide for the collection of taxes sufficient to pay the interest and also the principal of the debt, and all laws or ordinances providing for the payment of principal or principal of any debt shall be irrepealable until the debt is paid.

§ 185. Neither the state nor any county, city, village, school district or any other political subdivision shall give credit or make donations to or in aid of any individual or corporation, except for necessary support of the state or scribe to or become the owner of the capital stock of any individual or corporation, nor shall the state engage in any improvement unless authorized by a two-thirds vote of the legislature.

§ 186. No money shall be paid out of the state treasury by appropriation by law and on warrant drawn by the treasurer on no bills, claims, accounts or demands against the state or any other political subdivision, shall be audited, allowed or paid.

no person shall be compelled to bear arms; but every able-bodied male citizen of the state shall pay an equivalent for a personal service in the militia; and every citizen of the state shall be enrolled, organized, uniformed, armed, and drilled in such a manner as shall be provided by law, not inconsistent with the constitution or laws of the United States; and the legislative assembly shall provide by law for the establishment of separate organizations of the several arms of the service, to be known as active militia; and no other organized body shall be permitted to perform military duty in this state, except by proclamation of the President of the United States, without the proclamation of the governor of the state.

Militia officers shall be appointed or elected in such a manner as the legislative assembly shall provide.

Commissioned officers of the militia shall be commissioned by the governor, and no commissioned officer shall be removed from office except by sentence of court martial, pursuant to law.

Militia forces shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at parades and elections of officers, and in going to and from the same.

ARTICLE 14

IMPEACHMENT AND REMOVAL FROM OFFICE

The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

Impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation according to the law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present. When the governor or lieutenant governor is on trial, the chief justice of the supreme court shall preside.

§ 202. Any amendment or amendments proposed in either house of the legislative assembly shall be agreed to by a majority of the members of the house with the yeas and nays taken thereon. If the legislative assembly to be chosen at the next election shall be published, as provided by law, for that time the time of making such choice, and if in the legislative assembly next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all the members of the house, then it shall be the duty of the legislative assembly to submit such proposed amendment or amendments to the people at such time as the legislative assembly shall determine. If the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislative assembly voting thereon, such amendment or amendments shall become a part of the constitution of this state. If amendments shall be submitted at the same time they shall be submitted in such manner that the electors shall vote for each of such amendments separately.

ARTICLE 16

COMPACT WITH THE UNITED STATES

§ 203. The following article shall be irrevocable as to the consent of the United States and the people of this state:

1. Perfect toleration of religious sentiment shall be secured to every inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

...the Territory of Dakota may be divided for and made, and in pursuance of the act of congress approved February 22, 1889, to provide for the division of Dakota into two states, the people of North Dakota, South Dakota, Montana and the form constitutions and state governments and to be admitted to the union on an equal footing with the original States, and the donations of public lands to such states," the people of North Dakota and South Dakota, by proceedings of a joint convention appointed under said act, the sessions whereof were held in said State of North Dakota, from July 16, 1889, to July 16, 1890, inclusive, have agreed to the following adjustment of the debts and liabilities of the Territory of Dakota to be assumed and paid by each of the States of North Dakota and South Dakota, respectively, to wit:-

That this agreement shall take effect and be in force from and after the admission of the State of North Dakota into the union, as one of the United States of America, of the State of North Dakota or the State of South Dakota.

That the words "State of North Dakota," wherever used in this agreement, shall be taken to mean the Territory of North Dakota in case the State of North Dakota shall be admitted into the union prior to the admission of the State of South Dakota; and the words "State of South Dakota," wherever used in this agreement, shall be taken to mean the Territory of South Dakota in case the State of South Dakota shall be admitted into the union prior to the admission of the State of North Dakota.

That the State of North Dakota shall assume and pay all bonds and debts of the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, buildings as are located within the boundaries of North

South Dakota, the face aggregate of which is \$100,000; also, bonds issued on account of the school for deaf and dumb at Pierre, South Dakota, the face aggregate of which is \$100,000; also, bonds issued on account of the university at Vermillion, South Dakota, the face aggregate of which is \$75,000; also, bonds issued on account of the penitentiary at Sioux Falls, South Dakota, the face aggregate of which is \$54,500; also, bonds issued on account of the normal school at Brookings, South Dakota, the face aggregate of which is \$50,000; also, bonds issued on account of the normal school at Yankton, South Dakota, the face aggregate of which is \$49,000; also, bonds issued on account of the school of mines at Rapid City, South Dakota, the face aggregate of which is \$33,000; also, bonds issued on account of the reform school at Plankinton, South Dakota, the face aggregate of which is \$30,000; also, bonds issued on account of the school at Spearfish, South Dakota, the face aggregate of which is \$25,000; also, bonds issued on account of the soldiers' home at Pierre, South Dakota, the face aggregate of which is \$25,000.

The states of North Dakota and South Dakota shall be held harmless from each of all liabilities now existing or hereafter and from all liabilities incurred by the effect of this agreement incurred, except those hereinafter provided for, incurred, on account of public institutions, groups, or individuals, except as otherwise herein specifically provided.

The State of South Dakota shall pay to the State of North Dakota \$46,500, on account of the excess of territorial appropriation for the permanent improvement of territorial institutions. The amount of this agreement will go to South Dakota, and in full of the half interest of North Dakota in the territorial liabilities. The settlement of unbalanced accounts, and of all claims and demands, of whatever nature, legal or equitable, arising out of the erroneous or unlawful taxation of Northern Pacific, and the payment of said amount shall discharge and release the State of South Dakota from all liability for or on account of the matters hereinbefore referred to; nor shall either state be

above the amount charged it. And the State of North Dakota hereby obligates itself to pay such part of the debts and liabilities of the Territory of Dakota as is declared by the foregoing agreement to be its proportion thereof, the same as if such proportion had been originally created by said State of North Dakota as its own debt or liability.

§ 204. Jurisdiction is ceded to the United States over the military reservations of Fort Abraham Lincoln, Fort Buford, Fort Pembina and Fort Totten, heretofore declared by the president of the United States; provided, legal process, civil and criminal, of this state, shall extend over such reservations in all cases in which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations.

§ 205. The State of North Dakota hereby accepts the several grants of land granted by the United States to the State of North Dakota by an act of congress, entitled "An act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments, and to be admitted into the union on equal footing with the original states, and to make donations of public lands to such states," under the conditions and limitations therein mentioned; reserving the right, however, to apply to congress for modification of said conditions and limitations in case of necessity.

ARTICLE 17

MISCELLANEOUS

§ 206. The name of this state shall be "North Dakota." The State of North Dakota shall consist of all the territory included within the following boundary, towit: Commencing at a point in the main channel of the Red River of the North, where the forty ninth degree of north latitude crosses the same; thence south up the main channel of the same and along the boundary line of the State of Minnesota to a point where the seventh standard parallel intersects the same; thence west along said seventh standard parallel produced due west to a point where it intersects the twenty-seventh meridian of longitude west from Washington; thence north on said meridian to a point where it intersects the forty-ninth degree of north latitude; thence east along said line to place of beginning.

§ 207. The following described seal is hereby declared to be and hereby constituted the Great Seal of the State of North Dakota, towit: A tree in the open field, the trunk of which is surrounded by three bundles of wheat; on the right a plow, anvil and sledge; on the left a bow crossed with three arrows, and an Indian on horseback pursuing a buffalo toward the setting sun; the foliage of the tree arched by a half circle of forty-two stars, surrounded by the motto "Liberty and Union, Now and Forever, One and Inseparable;" the words "Great Seal" at the top, the words "State of North Dakota" at the bottom; "October 1st" on the left and "1889" on the right. The seal to be two and one-half inches in diameter.

§ 208. The right of the debtor to enjoy the comforts and necessities of life shall be recognized by wholesome laws, exempting from forced sale to all heads of families a homestead, the value of which

shall be limited and defined by law, and a reasonable amount of personal property; the kind and value shall be fixed by law. This section shall not be construed to prevent liens against the homestead for labor done and materials furnished in the improvement thereof, in such manner as may be prescribed by law.

§ 209. The labor of children under twelve years of age shall be prohibited in mines, factories and workshops in this state.

§ 210. All flowing streams and natural water courses shall forever remain the property of the state for mining, irrigating and manufacturing purposes.

§ 211. Members of the legislative assembly and judicial department, except such inferior officers as may be by law exempted shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of North Dakota; and that I will faithfully discharge the duties of the office of _____ according to the best of my ability, so help me God" (if an oath), (under pains and penalties of perjury), if an affirmation, and no other oath, declaration, or test shall be required as a qualification for any office or public trust.

§ 212. The exchange of "black lists" between corporations shall be prohibited.

§ 213. The real and personal property of any woman in this state, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property and shall not be liable for the debts of her husband.

ARTICLE 18

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT

§ 214. Until otherwise provided by law, the member of the house of representatives of the United States apportioned to this state, shall be elected at large.

Until otherwise provided by law, the senatorial and representative districts shall be formed, and the senators and the representatives shall be apportioned as follows:

The first district shall consist of the townships of Walhalla, St. Joseph, Neche, Pembina, Bathgate, Carlisle, Joliet, Midland, Lincoln and Drayton, in the county of Pembina, and be entitled to one senator and two representatives.

The second district shall consist of the townships of St. Thomas, Hamilton, Cavalier, Akra, Beaulien, Thingvalla, Gardar, Park, Crystal, Elora and Lodema, in the county of Pembina, and be entitled to one senator and two representatives.

The third district shall consist of the townships of Perth, Latona, Adams, Silvesta, Cleveland, Morton, Vesta, Tiber, Medford, Vernon, Golden, Lampton, Eden, Rushford, Kensington, Dundee, Ops, Prairie Center, Fertile, Park River and Glenwood, in the county of Walsh, and be entitled to one senator and two representatives.

The fourth district shall consist of the townships of Forest River, Walsh Center, Grafton, Farmington, Ardock, village of Ardock, Harrison, city of Grafton, Oakwood, Martin, Walshville, Pulaski, Acton,

The ninth district shall consist of the city of Fargo, in the county of Cass, and be entitled to one senator and three representatives.

The tenth district shall consist of the towns of Harwood, Reed, Barnes, Stanley, Raymond, Mapleton, Warren, Morris, Minn, Addison, Davenport, Cassida, and the county of Cass, and be entitled to one senator and three representatives.

The eleventh district shall consist of the towns of River, Hunter, Arthur, Amenia, Evans, Dows, Erie, Empire, Wheatland, Gill, Wadena, Ayr, Buffalo, Howes, Eldrid, Highland, Tower, Hill, Clifton and Pontiac, in the county of Cass, and be entitled to one senator and three representatives.

The twelfth district shall consist of the towns of Griggs and be entitled to one senator and three representatives.

The thirteenth district shall consist of the towns of Griggs and be entitled to one senator and two representatives.

The fourteenth district shall consist of the towns of Griggs and be entitled to one senator and two representatives.

The fifteenth district shall consist of the towns of Griggs and be entitled to one senator and two representatives.

The sixteenth district shall consist of the towns of Griggs and be entitled to one senator and two representatives.

The seventeenth district shall consist of the towns of Griggs and be entitled to one senator and one representative.

The eighteenth district shall consist of the towns of Griggs and be entitled to one senator and two representatives.

The nineteenth district shall consist of the towns of Rolette, and be entitled to one senator and one representative.

...all claims of the counties of ...
...the unorganized counties lying south of ...
...be entitled to one senator and one repre-

ARTICLE 12

PUBLIC INSTITUTIONS

...public institutions of the state are perma-
...places hereinafter named, each to have the lands
...it by the United States, in the act of congress,
...23, 1869, to be disposed of and used in such man-
...the assembly may prescribe, subject to the limita-
...the article on school and public lands contained in

...of government at the city of Bismarck, in the
...State University and the School of Mines at the city
...in the county of Grand Forks.
...gricultural College at the city of Fargo, in the county

...Normal School at the city of Valley City, in the
...; and the legislative assembly in apportioning the
...thousand acres of land for normal schools made in
...referred to shall grant to the said normal school
...as aforementioned, fifty thousand (50,000) acres,

First. A Soldiers' Home, or such other institution as the legislative assembly may determine, at the town of Ransom, with a grant of thirty thousand acres.

Second. A Blind Asylum, or such other institution as the legislative assembly may determine, at such place as the qualified electors of said county may determine to be held as prescribed by the legislative assembly, with a grant of thirty thousand acres.

Third. An Industrial School and School for the Deaf, or such other educational or charitable institution as the legislative assembly may provide, at the town of Dickey, with a grant of forty thousand acres.

Fourth. A School of Forestry, or such other institution as the legislative assembly may determine, at such place as the qualified electors of McHenry, Ward, Bottineau or Rolette counties may determine by an election for the purpose, with a grant of land as provided by the legislative assembly.

Fifth. A Scientific School, or such other educational institution as the legislative assembly may determine, at the town of Wahpeton, county of Richland, with a grant of land as provided, that no other institution of a character similar to those located by this article shall be established without a revision of this constitution.

^a See amendment, Article 3.

^b See amendment, Article 3.

the county clerk of the same territory, and shall hold and exercise their respective offices, and shall receive the same salaries and compensation as they have done if this constitution had not been adopted. The election and qualification of the judges of the probate courts for in this constitution, the probate judges of the county courts within their respective counties. The probate court in each county shall be the court of probate therein, until the said court shall have passed its first term.

§ 9. The terms "probate court" or "probate judge" occurring in the statutes of the territory, after this constitution goes into effect, be held to apply to the probate judge.

§ 10. All territorial, county and precinct officers in office at the time this constitution takes effect, shall hold and exercise their respective offices, and shall receive the same salaries and compensation as they have done if this constitution had not been adopted, until they be elected and qualified in accordance with the provisions of this constitution, and official bonds of all such officers shall have full force and effect as though this constitution had not been adopted, and such officers for their term of service, under the constitution or by the laws of the territory, provided, that the county and precinct officers shall hold their offices for the term for which they were elected. There shall be in each organized county in this state, at the election for the ratification of this constitution, a clerk of the election, who shall hold his office under said election until his term of office expires.

in the manner as provided by law, and the returns for all such elections shall be made to the secretary and members of the legislative assembly, and the board hereinafter provided for. The said board shall assemble at the seat of the territory on the fifteenth day after the day of election, or the following day if such day falls on Sunday; and they shall canvass the votes on the adoption of this constitution, and the district officers and members of the legislative assembly provided by the laws of the territory for each district, and they shall issue certificates to the persons found to be elected to said offices, and they shall make and file with the secretary of the territory a report by them, of the number of votes cast for or against the adoption of the constitution, and for each person for each office, and of the total number of votes cast in each

district elected at such election shall, within sixty days after the executive proclamation admitting the State of North Dakota into the union, take the oath required by this constitution, and give the bond required by the law of the territory to be given by all like officers of the territory and districts, and shall perform upon the duties of their respective offices; but the legislative assembly may require by law all such officers to give other bonds as a condition of their continuance in office.

of the territory, annually or biennially, and such reports covering the transactions of their office of the admission of the State of North Dakota, the legislative assembly shall make sufficient appropriation to pay half of the cost of such publication.

§ 24. In case the territorial officers of the territory, any of them who are now required by law to make such reports, annually or biennially, shall fail to do so for any reason at the time required by law, the legislative assembly shall make sufficient appropriation to pay half of the cost of such publication.

§ 25. The governor and secretary of the territory shall be authorized to make arrangements for the meeting of the legislative assembly, and the inauguration of the state government.

§ 26. The legislative assembly shall provide for the publication, in an independent volume, of the Declaration of Independence, the Constitution of the United States, and the Enabling Act.

Done at Bismarck, Dakota, in open convention, August, A. D. 1889.

F. B. FANCHER,

JOHN G. HAMILTON, *Chief Clerk.*

shall have power in conjunction with the board of pardons and commutations. The governor shall be ex officio a member and the board shall consist of the attorney general, the chief justice of the supreme court of Dakota, and two qualified electors who shall be appointed by the governor, to remit fines and forfeitures, to grant commutations and pardons after conviction for all crimes except cases of impeachment; but the legislative assembly shall regulate the manner in which the remission of fines, commutations and reprieves may be applied for. Upon reasonable cause the governor shall have the power to suspend the execution of sentence until the case shall be reported to the legislative assembly at its next regular session, when the legislative assembly may pardon or commute the sentence, direct the execution of the same or grant further reprieve. The governor shall communicate to the legislative assembly at each regular session each case of fine, reprieve, commutation or pardon granted by the board of pardons, stating the name of the convict, the crime for which he was convicted, the sentence and its date and the date of remission, commutation, pardon or reprieve, with their reasons for grant-

ARTICLE 4

property, except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in

the legislative assembly may, at any time, authorize the state and hold them in trust for the school lands and may be taxed at a fixed rate.

ARTICLE IV

§ 102. The moneys of the permanent school fund, shall be invested only in bonds of the State of North Dakota, or of counties or townships within the state, or first mortgages on farm lands in the state, and one-third the actual value of any subdivision may be loaned, such value to be determined by the school lands.

...of the territory northwest of the ...
...authorized to form for themselves
...government, and to assume such name as they
...the said State, when formed, shall be admitted
...the same footing with the original States in all

...Further enacted, That the said State shall con-
...included within the following boundaries: to-
...the east by the Pennsylvania line, on the south by
...the mouth of the Great Miami River, on the west
...due north from the mouth of the Great Miami
...the north by an east and west line drawn through
...of Lake Michigan, running east after inter-
...north line aforesaid, from the mouth of the Great
...shall intersect Lake Erie or the territorial line, and
...line through Lake Erie to the Pennsylvania line
...That Congress shall be at liberty at any time
...to attach all the territory lying east of the line to be

...west of the Mississippi and north of the Ohio and west of Penn-
...had been under the jurisdiction of the province of Quebec
...tion, was claimed by Virginia, which State formally ceded
...Federal Government, upon condition that it should be formed
...States of Massachusetts, Connecticut, and New York also
...times, claims to jurisdiction over western lands under their
...charters.

...to grant one-thirty-sixth of public lands in Ohio for school
...1803; and the act to fix the boundaries of, May 20, 1812.

of each county, and to be the representatives of the United States in the territory of the river Ohio, to be elected from the county of Trumbull, two representatives; from the county of Adams, seven representatives; from what is now known by the counties of Jefferson and Washington Counties, four representatives; from the county of Adams, two of the seven to be elected in what is now known by the counties of Adams, taken from Ross and Washington Counties, three representatives; from the county of Adams, two of the twelve to be elected in what is now known by the county of Clermont County, taken entirely from Hamilton County. The elections for the representatives aforesaid shall be held on the second Monday and Tuesday of October next, the time fixed by an act of Congress, entitled "An act to ascertain the number of free white males of the age of twenty-one in the territory of the United States, of the river Ohio, and to regulate the elections of representatives to the same," for electing representatives to the general assembly of the same, shall be held and conducted in the same manner as provided in the aforesaid act, except that the qualifications of electors shall be as herein specified.

SEC. 5. *And be it further enacted,* That the meeting of the representatives thus duly elected, be, and they are hereby, summoned to meet at Chillicothe on the first Monday in November next, and when met, shall first determine, by a majority of

...has been sold, granted, or disposed of, which shall be contiguous to the same, shall be granted to the said township, for the use of schools, for the six miles reservation, including the salt springs, and the State salt springs, the salt springs near the military tract, with the sections of land in the same, shall be granted to the said State for the use thereof, the same to be used under such terms and regulations as the legislature of the said State shall determine. The said legislature shall never sell nor lease the same for a period than ten years.

One-twentieth part of the net proceeds of the lands sold by the said State sold by Congress, from and after the first of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, through the navigable waters emptying into the Atlantic, to the said State, and through the same, such roads to be made by the authority of Congress, with the consent of the said State, through which the road shall pass: *Provided always*, that the foregoing propositions herein offered are on the condition that the convention of the said State shall provide, by an act, amendable without the consent of the United States, that the tract of land sold by Congress from and after the first of June next, shall be and remain exempt from any tax or duty levied or under authority of the State, whether for State, township, or any other purpose whatever, for the term of five years after the day of sale.

April 30, 1802.

the said State of Ohio, and the same shall have the same force and effect within the said State as if enacted by the House of Representatives of the United States of America in Congress assembled, and the United States which are not locally situated shall have the same force and effect within the said State as if enacted by the United States.

SEC. 2. *Be it further enacted*, That the said district and be called the Ohio district, and the court therein, to consist of one judge, who shall be appointed and be called a district judge. He shall hold court in the said State three sessions annually, to wit, on the first Monday in June next, and the first Monday of every fourth year afterwards, and he shall, in all things, have and exercise the same jurisdiction and powers which are by law given to the district judge of the said State; he shall appoint a clerk for the said district, and keep the records of the court at the place where the court shall sit, and shall receive for the services performed by him the same fee which the clerk of the Kentucky district shall receive for his services.

SEC. 3. *Be it further enacted*, That there shall be paid to the judge of the said district court the annual compensation of one thousand dollars, to commence from the date of his appointment, and be paid quarter-yearly at the Treasury of the United States.

SEC. 4. *Be it further enacted*, That there shall be appointed to the said district a person learned in the law to act as clerk of the said United States, who shall, in addition to his stated salary, receive from the United States two hundred dollars annually, as compensation for all extra services.

SEC. 5. *And be it further enacted*, That a marshal shall be appointed for the said district, who shall perform the duties of a marshal, subject to the same regulations and penalties, and shall receive the same fees as are prescribed to marshals in other districts, and shall moreover be entitled to the sum of two hundred dollars annually as a compensation for all extra services.

Approved, February 19, 1803.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws of the United States which are not locally applicable shall have the same force and effect within the said State as within the United States.

Sec. 2. *Be it further enacted*, That the district court and be called the Ohio district, and the judge thereof, to consist of one judge, who shall be appointed and be called a district judge. He shall hold court in the said State three sessions annually, to wit: on the first Monday in June next, and on the first Monday on the like Monday of every fourth year thereafter, and he shall, in all things, have and exercise the same jurisdiction and powers which are by law given to the district judge of the district; he shall appoint a clerk for the said district court, and keep the records of the court at the place of the said court, and shall receive for the services performed by him the same salary which the clerk of the Kentucky district receives for his services.

Sec. 3. *Be it further enacted*, That there shall be paid to the judge of the said district court the annual compensation of one thousand dollars, to commence from the date of his appointment, and paid quarter-yearly at the Treasury of the United States.

Sec. 4. *Be it further enacted*, That there shall be appointed in the said district a person learned in the law to act as attorney for the United States, who shall, in addition to his stated salary, receive from the United States two hundred dollars annually, as compensation for all extra services.

Sec. 5. *And be it further enacted*, That a marshal shall be appointed for the said district, who shall perform the duties of a marshal, subject to the same regulations and penalties, and shall receive the same fees as are prescribed to marshals in other districts, and moreover be entitled to the sum of two hundred dollars annually as compensation for all extra services.

Approved, February 19, 1803.

Article I
The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people. The Senate shall be elected every year after the first meeting of the General Assembly, and every subsequent term of four years, in which every white male inhabitant above twenty-one years of age shall vote in such manner as shall be directed by law. The number of Representatives shall, at the several periods of making such apportionment, be fixed by the legislature, and apportioned among the counties according to the number of white male inhabitants above twenty-one years of age in each; and shall never be less than thirty-six, nor greater than thirty-six, until the number of white male inhabitants of above twenty-one years of age shall be twenty-five thousand, and after that event, at such ratio that the whole number of Representatives shall never be less than thirty-six, nor more than sixty.

The Representatives shall be chosen annually, by the citizens of each county respectively, on the second Tuesday of October.

Every person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the United States, an inhabitant of this State; shall also have resided within the county in which he shall be chosen one year next preceding the election, unless he shall have been absent on the public business of the State.

At the Convention, of the Territory of the United States Northwest of the River Ohio, and held at Chillicothe, on Monday the First Day of November, 1802, and of the Independence of the United States the Twenty-first day of January, 1803, by authority. Columbus: George Nashee, State Printer.

Report of the Secretary of State to the Governor of the State of Ohio. Statistical Report to the General Assembly for the year 1876. By J. H. & Myers, State Printers, 1877. pp. 35-74.

The Constitution was framed by a convention which assembled at Chillicothe, Ohio, in 1802, and completed its labors November 29, 1802. It was submitted to the people for ratification.

...dollars; the judge of the court shall receive more than eight hundred dollars per annum, and the clerk of the court shall receive more than seven hundred and fifty dollars per annum; and the judge of the court shall receive more than two dollars per day for every day he shall be absent from the court, and returning from the general assembly; and no judge or representative shall, during the term for which he has been elected, be appointed to any civil office or position which shall have been created, or the emoluments of which shall have been increased, during such time.

...money shall be drawn from the treasury but in accordance with the provisions made by law.

...statement of the receipts and expenditures of the treasury shall be attached to and published with the laws.

...members of representatives shall have the sole power of impeachment; a majority of all the members must concur in an impeachment. All impeachments shall be tried by the senate, and, for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of two-thirds of all the senators.

...the governor, and all other civil officers under this State, shall be liable to impeachment for any misdemeanor in office; but in such cases shall not extend further than removal from office and disqualification to hold any office of honor, profit, or trust in this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

...the first session of the general assembly shall commence on the first Monday of March next; and forever thereafter the general assembly shall meet on the first Monday of December in every year, or other period, unless directed by law, or provided for by the constitution.

Section 1. The supreme executive power shall be vested in a governor.

Sec. 2. The governor shall be chosen by ballot of the general assembly, on the second day of January, in the same places and in the same manner that the members thereof are chosen. The returns of such elections shall be sealed up and transmitted to the speaker of the returning officers, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of each house of the general assembly. The person receiving the greatest number of votes shall be governor; but in case of an equal and highest in votes, then one of them shall be chosen by joint ballot of both houses of the general assembly. The elections for governor shall be determined by the general assembly in such manner as shall be prescribed.

Sec. 3. The first governor shall hold his office from the first day of December, one thousand eight hundred and eighty-two. A governor shall be elected and qualified to office; and another governor shall hold his office for the term of four years; and another governor shall be elected and qualified; and no person shall be eligible more than six years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this State twelve years preceding his election.

Sec. 4. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

Sec. 5. He shall have the power to grant reprieves and pardons after conviction, except in cases of impeachment.

Sec. 6. The governor shall, at stated times, receive a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

Sec. 7. He may require information, in writing, from the heads of the executive department, upon any subject relating to the business of the State.

in case of the death, impeachment, resignation, removal from office, or absence of the governor, until he is acquitted, or another person is qualified. In case of impeachment of the governor, or death, removal from office, resignation, or absence of the speaker of the house of representatives, shall not exercise the duties thereof, until a person is qualified.

Any member of Congress, or person holding any office under the United States, or this State, shall execute the office of governor, until he is qualified. There shall be a seal of this State, which shall be kept by the governor, and used by him officially, and shall be called "The Seal of the State of Ohio."

All grants and commissions shall be in the name and by the authority of the State of Ohio, sealed with the seal, signed by the governor, and countersigned by the secretary.

The secretary of state shall be appointed by joint ballot of the senate and house of representatives, who shall continue in office until he shall so long behave himself well: he shall keep a record of the official acts and proceedings of the governor; and, when required, lay the same, and all papers, minutes, and reports thereunto, before either branch of the legislature; and perform such other duties as shall be assigned him by law.

ARTICLE III

The judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be provided by law; *Provided*, That nothing herein contained shall prevent the general assembly from adding another judge to the court, after the term of five years, in which case the judges

Sec. 5. The judges of the supreme court shall be conservators of the peace throughout the State, and the judges of the courts of common pleas shall, by virtue of their offices, be conservators of the peace in their respective counties.

Sec. 6. The judges of the court of common pleas in each county shall, by virtue of their offices, be conservators of the peace in their respective counties, and to cause their proceedings to be brought to a speedy trial, and to cause their proceedings to be brought to a speedy trial, and to cause their proceedings to be brought to a speedy trial.

Sec. 7. The judges of the supreme court, and the associate judges of the courts of common pleas, shall, by a joint ballot of both houses of the general assembly, hold their offices for the term of seven years, and shall receive an adequate compensation, to be fixed by the general assembly, and shall not be diminished during their continuance in office.

Sec. 8. The judges of the supreme court, and the associate judges of the courts of common pleas, shall, by a joint ballot of both houses of the general assembly, hold their offices for the term of seven years, and shall receive an adequate compensation, to be fixed by the general assembly, and shall not be diminished during their continuance in office.

Sec. 9. Each court shall appoint its own clerk, who shall hold his office for the term of seven years; but no person shall be appointed clerk of any court, who shall not produce to the court appointing him to be well qualified to execute the duties of his office. They shall be removable for breach of duty, at any time, by the judges of the respective courts.

Sec. 10. The supreme court shall be held once a year, in the county of ...; and the courts of common pleas shall be held in each county at such times and places as shall be prescribed by the general assembly.

Section 1. Every person who shall hold any office of trust or profit under the authority of the State, before the entering on the execution thereof, shall swear to support the Constitution of the United States, and also an oath of office.

Sec. 2. Any elector who shall receive, give, or bestow any vote, in meat, drink, money, or otherwise, any reward or bribe, as the laws shall direct; and any person who shall indirectly, give, promise, or bestow any such reward or bribe, shall thereby be rendered incapable for two years of the office for which he was elected, and be subject to punishment as shall be directed by law.

Sec. 3. No new county shall be established by the State, which shall reduce the county or counties, or any part thereof, which it shall be taken, to less contents than thirty square miles; nor shall any county be laid off of less than thirty square miles; nor shall any county be divided into two or more counties, as to the right of suffrage and representation, except as a part of the county or counties from which it shall be entitled by numbers to the right of representation.

Sec. 4. Chillicothe shall be the seat of government of the State, until the year one thousand eight hundred and ninety. No money shall be expended for the purpose of erecting public buildings for the accommodation of the legislature.

Sec. 5. That, after the year one thousand eight hundred and ninety, whenever two-thirds of the general assembly shall resolve to amend or change this constitution, they shall call a convention of electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall be the majority of the citizens of the State, voting for representation, who voted for a convention, the general assembly shall, at its next session, call a convention, to consist of as many members as there be in the general assembly, to be chosen in the same manner as the same places, and by the same electors that choose the members of the general assembly.

...of the mouth of the River...
...with the assent of the Legislature...
...boundary of this State shall be...
...a direct line running from the...
...to the most northerly cape of the...
...the due north line from the mouth of the...
...as aforesaid; thence northeast to the...
...line to the Pennsylvania line.

ARTICLE VIII

...great, and essential principles of liberty and free
...be recognized, and forever unalterably established.

...that all men are born equally free and independent, and
...natural, inherent, and unalienable rights, amongst which
...and defending life and liberty, acquiring, possessing,
...property, and pursuing and obtaining happiness and
...every free republican government being founded on their
...and organized for the great purpose of protecting
...and liberties and securing their independence; to effect
...they have at all times a complete power to alter, reform,
...their government, whenever they may deem it necessary.

...there shall be neither slavery nor involuntary servitude in
...otherwise than for the punishment of crimes, whereof the
...have been duly convicted; nor shall any male person,
...the age of twenty-one years, nor female person, arrived at
...eighteen years, be held to serve any person as a servant,
...pretence of indenture or otherwise, unless such person shall
...such indenture while in a state of perfect freedom, and
...of a *bona-fide* consideration, received, or to be received,
...service, except as before excepted. Nor shall any indenture
...or mulatto, hereafter made and executed out of the
...if made in the State, where the term of service exceeds
...of the least validity, except those given in the case of

Section 1. Every person who shall hold any office of trust or profit under the authority of the State, before the entering on the execution thereof, shall take and subscribe to support the Constitution of the United States, and shall also an oath of office.

Sec. 2. Any elector who shall receive any bribe, gift, or money, in meat, drink, money, or otherwise, shall be subject to punishment as the laws shall direct; and any person who shall indirectly, give, promise, or bestow any such bribe, gift, or money, shall thereby be rendered incapable for two years of the office for which he was elected, and be subject to punishment as shall be directed by law.

Sec. 3. No new county shall be established by the State, which shall reduce the county or counties, or any part thereof, which it shall be taken, to less contents than four miles; nor shall any county be laid off of less contents than a county, as to the right of suffrage and representation, considered as a part of the county or counties from which it is entitled by numbers to the right of representation.

Sec. 4. Chillicothe shall be the seat of government, until the year one thousand eight hundred and nine, and until the year one thousand eight hundred and nine, by the act of this State, for the purpose of erecting public buildings for the accommodation of the legislature.

Sec. 5. That, after the year one thousand eight hundred and nine, whenever two-thirds of the general assembly shall think proper to amend or change this constitution, they shall meet, and the electors, at the next election for members to the general assembly, vote for or against a convention; and if it shall be the majority of the citizens of the State, voting for representation, voted for a convention, the general assembly shall, at its next session, call a convention, to consist of as many members as shall be in the general assembly, to be chosen in the same manner, in the same places, and by the same electors that choose the general assembly.

...of the mouth of the Miami River at the
...with the ascent of the ...
...boundary of this State shall be ...
...direct line running from the ...
...to the most northerly cape of the ...
...the due north line from the mouth of the ...
...thence northeast to the territorial ...
...line to the Pennsylvania line.

ARTICLE VIII

...great, and essential principles of liberty and free
...be recognized, and forever unalterably established.

...that all men are born equally free and independent, and
...natural, inherent, and unalienable rights, amongst which
...and defending life and liberty, acquiring, possessing,
...property, and pursuing and obtaining happiness and
...every free republican government being founded on their
...and organized for the great purpose of protecting
...and liberties and securing their independence; to effect
...they have at all times a complete power to alter, reform,
...their government, whenever they may deem it necessary.

...there shall be neither slavery nor involuntary servitude in
...otherwise than for the punishment of crimes, whereof the
...have been duly convicted; nor shall any male person,
...the age of twenty-one years, nor female person, arrived at
...eighteen years, be held to serve any person as a servant,
...indenture or otherwise, unless such person shall
...such indenture while in a state of perfect freedom, and
...of a *bona-fide* consideration, received, or to be received,
...except as before excepted. Nor shall any indenture
...or mulatto, hereafter made and executed out of the
...made in the State, where the term of service exceeds
...of the least validity, except those given in the case of

Sec. 6. That the printing press shall be a libel, and every person who writes to diminish the private or public character, or the conduct of any public officer, shall be liable for the abuse of that liberty. In cases of libel respecting the official conduct of men in office, where the matter published is proper for publication, and the truth thereof may always be given in evidence, no damages for libels, the jury shall have a right to determine the facts, under the direction of the court, as to the law.

Sec. 7. That all courts shall be open, and every person injured shall have remedy by the due course of law, and right shall be done without denial or delay.

Sec. 8. That the right of trial by jury shall be preserved.

Sec. 9. That no power suspending the laws shall be granted by the legislature.

Sec. 10. That no person arrested or confined in prison shall be kept with unnecessary rigor, or be put to answer any charge, but by presentment, indictment, or impeachment.

Sec. 11. That in all criminal prosecutions the accused shall have the right to be heard by himself and his counsel, to demand the cause of the accusation against him, and to have a speedy trial, to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or presentment, a speedy public trial by an impartial jury in the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself, and shall not be twice put in jeopardy for the same offence.

Sec. 12. That all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident.

the people have a right to assemble together to consult on their common concerns, to select their officers and representatives to carry on their business, and to apply to the legislature for redress of grievances; and the people have a right to bear arms for the defense of themselves and the State; and as standing armies, in time of peace, are dangerous to liberty, they shall not be kept up, and that the militia shall be kept under strict subordination to the civil power. No person in this State, except such as are employed in the Navy of the United States, or militia in actual service, shall be subject to corporeal punishment under the military law. No soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in the manner prescribed by law.

That the levying taxes by the poll is grievous and oppressive, the legislature shall never levy a poll-tax for county purposes.

That no hereditary emoluments, privileges, or honors shall be created or conferred by this State.

That no law shall be passed to prevent the poor in the cities and townships within this State, from an equal participation in the schools, academies, colleges, and universities of this State, which are endowed, in whole or in part, from the proceeds from the donations made by the United States for the support of schools and colleges; and the doors of the said schools, academies, colleges, and universities shall be open for the reception of scholars, students, and teachers of every grade, without any distinction or

Section 1. That no evils or inconveniences shall result from the change of a territorial government to a State government, and it is declared by this convention, that all laws, regulations, ordinances, claims, and contracts, both as to individuals and bodies corporate, shall continue as if no change had taken place in this government.

Sec. 2. All fines, penalties, and forfeitures levied in the territory of the United States northwest of the River Columbia shall be to the use of the State. All bonds executed by the governor or other officer in his official capacity in the Territory shall be payable to the governor or the other officers of the State, or to the person in office, for the use of the State, or by him or them to be assigned over to the use of those concerned, as the law may direct.

Sec. 3. The governor, secretary, and judges, now acting under the territorial government, shall continue to perform the duties of their respective departments until they are superseded under the authority of this constitution.

Sec. 4. All laws and parts of laws now in force in the Territory not inconsistent with this constitution, shall continue in full effect until repealed by the legislature, except an act entitled "An act regulating the admission and qualification of attorneys and counsellors at law," and of the act made supplementary thereto as relates to the term of time which the applicant for admission as an attorney at law, his residence within the Territory, and the term of time he shall have practised as an attorney at law, before he is admitted to the degree of a counsellor at law.

Sec. 5. The governor of the State shall make use of the State seal until a State seal be procured.

Sec. 6. The president of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to hold elections to the election of a governor, members of the general assembly, judges, and coroners, at the respective election-districts, on the second Tuesday of January next, which shall be the day for the election of a governor, members of the general assembly, judges, and coroners.

Edward Tamm, Secretary.

CONSTITUTION OF OHIO—1851 • •

The people of the State of Ohio, grateful to Almighty God for His goodness to us, do hereby declare that we have heretofore submitted to the people of this State a new constitution, and we have secured its blessings and promote our common welfare, and we have adopted the following constitution.

ARTICLE I

BILL OF RIGHTS

All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and possessing life and liberty, acquiring, possessing, and protecting property, and obtaining happiness and safety.

Political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to reform, or abolish the same, whenever they may deem proper, and no special privileges or immunities shall ever be granted, which may not be altered, revoked, or repealed by the General Assembly.

The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the General Assembly for the redress of their grievances.

Journal of Legislative Practice in the 77th General Assembly of the State of Ohio, 1903. pp. 137-181.

Convention at Cincinnati, March 10, 1851. As amended and in effect in 1906. See Appendix.

Sec. 9. All persons shall be bailable by reasonable bail, except capital offenses where the proof is evident and the presumption great. Excessive bail shall not be required; nor shall cruel and unusual punishment inflicted.

Sec. 10. Except in cases of impeachment, or in the army and navy, or in the militia when in actual service, or public danger, and in cases of petit larceny, or offenses, no person shall be held to answer for an infamous crime, unless on presentment, or indictment. In any trial, in any court, the party accused shall appear and defend in person, and with counsel; and shall be allowed to meet the witnesses face to face, and to have the assistance of counsel to procure the attendance of witnesses in his behalf; and shall be tried by an impartial jury of the county or district in which the offense is alleged to have been committed; nor shall any person be compelled, in any criminal case, to be a witness against himself, nor twice put in jeopardy for the same offense.

Sec. 11. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the truth; and no law shall be passed to restrain or abridge the right of speech, or of the press. In all criminal prosecutions the truth may be given in evidence to the jury, and it shall be the duty of the jury, that the matter as charged as libelous is justified with good motives, and for justifiable ends, and the person shall be acquitted.

Sec. 12. No person shall be transported out of the state for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

Sec. 10. Any member of either house who shall be absent from the journal, shall, without attending, be entered upon the journal.

Sec. 11. All vacancies which may happen in either house, during the unexpired term, be filled by election, as directed by the house.

Sec. 12. Senators and Representatives, during the session of the General Assembly, and in going to and returning from the same, shall be privileged from arrest, in all cases, except in cases of breach of the peace; and for any speech, or debate, in either house, they shall not be questioned elsewhere.

Sec. 13. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of the members of either house, shall be held in secret.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded, or to any place than that, in which the two houses shall be sitting.

Sec. 15. Bills may originate in either house, and may be amended, or rejected in the other.

Sec. 16. Every bill shall be fully and distinctly read, three days, unless in case of urgency three-fourths of the members shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed, and no law shall be revived, or amended, unless the whole of the entire act revived, or the section or sections amended, or sections, so amended, shall be repealed.

Every bill passed by both houses of the General Assembly, before said bill can become law, be presented to the Governor.

of the State of Ohio, on the twenty-second day of
January, A. D. 1852, at the City of Columbus, in and for the
County of Franklin, State of Ohio, before me, the undersigned,
a Notary Public in and for the State of Ohio, personally appeared
Edward T. Tamm, of the County of Franklin, State of Ohio, who
declared to me that he was the author of the foregoing
instrument, and that he executed the same for the purposes and
objects therein expressed.

Edward Tamm, Notary Public.

Done,

at the

the

shall file said section
of money, together with
Secretary of State as in the
State shall then make public said fact
in the case of a whole bill. [As amended
andix.]

clerk of each house shall sign,
house over which he presides, while the
of transacting business all bills and
General Assembly.

of the laws of this state shall be, "Be it enacted
Assembly of the State of Ohio."

Senator or Representative shall, during the term for
been elected, or for one year thereafter, be ap-
civil office under this state, which shall be created or
of which shall have been increased, during the term
have been elected.

1852.

given

SEC. 20. The General Assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

SEC. 21. The General Assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

SEC. 22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years.

SEC. 23. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

SEC. 24. The governor, judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than the removal from office, and disqualification to hold any office, under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law.

SEC. 25. All regular sessions of the General Assembly shall commence on the first Monday of January, biennially. The first session, under this constitution, shall commence on the first Monday of January, one thousand eight hundred and fifty-two.

SEC. 26. All laws, of a general nature, shall have a uniform operation throughout the state; nor, shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the General Assembly, except, as otherwise provided in this constitution.

SEC. 27. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the General Assembly, except as prescribed in this constitution, and in the election of the United States senators; and in these cases the vote shall be taken "*viva voce*."

SEC. 28. The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of this state.

SEC. 29. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid, on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

SEC. 30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or remov-

ing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided, whenever a majority of the voters residing in each of the proposed divisions shall approve of the law passed for that purpose; but no town or city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

SEC. 31. The members and officers of the General Assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

SEC. 32. The General Assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

ARTICLE III

EXECUTIVE

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney-general, who shall be elected on the *first Tuesday after the first Monday in November*, by the electors of the state, and at the places of voting for members of the General Assembly. [As amended October 13, 1885. See Appendix.]

SEC. 2. The governor, lieutenant governor, secretary of state, treasurer, and attorney-general shall hold their offices for two years; and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns for every election for the officers named in the foregoing election shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest, and equal in votes, for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. Should there be no session of the General Assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor, in such manner as may be provided by law.

SEC. 5. The supreme executive power of this state shall be vested in the governor.

SEC. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

Sec. 24. All regular sessions of the General Assembly shall be held on the first Monday of January, and shall continue until the first Monday of January, next, under this constitution, shall commence on the first day of January, one thousand eight hundred and fifty.

Sec. 25. All laws of a general nature, and of a public character, shall be passed by the General Assembly, and shall take effect throughout the state; nor, shall any law, or resolution, to public schools, be passed, to take effect, or be enforced, by any other authority than the General Assembly, as provided in this constitution.

Sec. 27. The election and appointment of all officers, and of all vacancies, not otherwise provided for, shall be made by the constitution of the United States, shall be made, as may be directed by law; but no appointing power shall be given by the General Assembly, except as prescribed by the constitution, and in the election of the United States senators, the vote shall be taken "*viva voce*."

Sec. 28. The General Assembly shall have no power to pass active laws, or laws impairing the obligation of contracts, or by general laws, authorize courts to carry into effect, or as shall be just and equitable, the manifest intention of the officers, by curing omissions, defects, and errors, in the proceedings, arising out of their want of conformity to the constitution of this state.

Sec. 29. No extra compensation shall be made to any agent, or contractor, after the service shall have been performed, or contract entered into; nor shall any money be paid, or subject matter of which shall not have been provided for by law, unless such compensation, or claim, be allowed by the members elected to each branch of the General Assembly.

Sec. 30. No new county shall contain less than forty miles of territory, nor shall any county be reduced below that number, and all laws creating new counties, changing counties,

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Sec. 13. Any other person, other than the governor, who shall be elected to the office of governor, shall be elected by the people of the State of California.

13. All grants and commissions shall be made by the authority, of the state of California, by the governor, and coun

Sec. 14. No member of Congress, or any other person, shall hold any office, or execute the office of governor, except as herein provided.

Sec. 15. In case of the death, or other disability of the governor, the powers of the residue of the term, or until he shall be removed, shall devolve upon the lieutenant

Sec. 16. The lieutenant governor shall be elected by the people of the State of California, but shall vote only when the senate is equally divided on his absence, or impeachment, or when he is elected governor, the senate shall choose a president

Sec. 17. If the lieutenant governor, while governor, shall be impeached, displaced, or become incapable of performing the duties of the senate shall act as governor until the disability removed; and if the president of the senate, or the speaker of the house of representatives, shall be rendered incapable of performing the duties of the office of governor, the same shall devolve upon the speaker of the house of representatives.

Sec. 18. Should the office of auditor, treasurer, or attorney-general, become vacant, for any of the causes mentioned in the fourteenth section of this article, the governor shall

shall be provided by law. It shall hold at least one session each year at the seat of government, and such other terms and places as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large for a term not less than five years, at the General Assembly, and they shall be elected and their official term shall begin on the first day of January. The number of such judges shall be fixed by law. In case the General Assembly shall increase the number of such judges, the first term of each of such judges shall be such, that in each year after their election the same number of judges of the supreme court shall be elected to fill vacancies; and whenever the number of judges shall be increased, the General Assembly may authorize the organization of divisions thereof, not exceeding three, each to consist of an equal number of judges; for the adjudication of a majority of each division shall constitute a quorum, and the assignment of the cases to each division may be made as such may be deemed expedient, but whenever all the judges of either division shall not concur as to the judgment to be rendered in a case, the case shall be referred to the whole court for adjudication. The judges of the supreme court in office when this amendment takes effect, shall continue to hold their offices until their successors are elected and qualified. [As amended October 9, 1883. See Appendix.]

The state shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one, of compact territory, bounded by county lines; and each of said districts, con-

and at the next session of the Court, the same may, on application of the party, be set aside of the court and certified to the clerk of such [each] house shall exercise the appointment, in like manner, powers, jurisdiction and duties; - provided the commission shall not exceed two years, nor then once in ten years. [Amended October

ARTICLE V

ELECTIVE FRANCHISE

SECTION 1. Every white male citizen of the age of twenty-one years, who shall have been one year next preceding the election, and of the ward, in which he resides, such time as may be, shall have the qualifications of an elector, and be eligible to all elections.

SEC. 2. All elections shall be by ballot.

SEC. 3. Electors, during their attendance at elections, to, and returning therefrom, shall be privileged from arrest in civil cases, except treason, felony, and breach of the peace.

SEC. 4. The General Assembly shall have power to expel any member for being convicted of bribery, perjury, or other infamous crime.

SEC. 5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, fort, or naval station, within the state, be considered a resident of that state.

SEC. 6. No idiot, or insane person, shall be entitled *of an elector.*

of the constitution shall be the same as the General Assembly, and of such other state institutions as may be created, shall be appointed by the governor, by and with the consent of the senate; and upon all nominations made by the governor, the question shall be taken by yeas and nays, and the result shall be entered in the journals of the senate.

The governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the General Assembly, and until a successor to his appointee shall be confirmed.

ARTICLE VIII

PUBLIC DEBT AND PUBLIC WORKS

The state may contract debts to supply casual deficits in its revenues, or to meet expenses not otherwise provided for. The aggregate amount of such debts, direct or contingent, contracted by virtue of one or more acts of the General Assembly at different periods of time, shall never exceed seven hundred thousand dollars; and the money, arising from the proceeds of such debts, shall be applied to the purpose for which it was raised, to repay the debts so contracted, and to no other purpose.

In addition to the above limited power, the state may contract debts to repel invasion, suppress insurrection, defend the state, or to redeem the present outstanding indebtedness of the state. The money, arising from the contracting of such debts, shall be applied to the purpose for which it was raised, or to repay

sinking fund, which shall be sufficient to pay the interest on such debt, and, annually, to retire the principal of not less than one hundred thousand dollars, or more than one hundred thousand dollars, of the same, every year, by compounding, at the rate of five per cent. The said sinking fund shall consist, of the proceeds of the public works and stocks owned by the state, and of the resources that are, or may be, provided by the state, and a sum, to be raised by taxation, as may be required by the aforesaid.

Sec. 8. The auditor of state, secretary of state, and the general, are hereby created a board of commissioners, to be called Commissioners of the Sinking Fund."

Sec. 9. The commissioners of the sinking fund shall, preceding each regular session of the General Assembly, estimate of the probable amount of the fund, as provided in the seventh section of this article, from all sources, and report the same, together with all their proceedings, on said fund and the public debt, to the governor, who shall lay the same with his regular message, to the General Assembly. The General Assembly shall make all necessary appropriations, and disbursing said sinking fund, in pursuance of this article.

Sec. 10. It shall be the duty of the said commissioners to apply said fund, together with all moneys that the General Assembly, appropriated to that object, to the payment of interest, as it becomes due, and the redemption of the principal of the public debt of the state, excepting only, the securities held by the state.

Sec. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall immediately, cause the same to be published, and shall

with the constitution and laws of the State, and shall be bound by law. The governor shall appoint the adjutant-general, and such other staff officers, as may be provided by law. The governor shall commission all officers of the line and staff, and shall have power to call forth the militia, and to suppress insurrection, and to execute the laws of the state, to suppress insurrection, and to execute the laws of the state. The General Assembly shall provide, by law, for the proper keeping of the public arms.

ARTICLE X

COUNTY AND TOWNSHIP ORGANIZATIONS

The General Assembly shall provide, by law, for the election of county and township officers as may be necessary. County officers shall be elected on the first Tuesday after the first Monday in November, by the electors of each county in such manner, and for such term, not exceeding three years, as may be provided by law. [Amended October 13, 1885. See Appendix.] No person shall be eligible to the office of sheriff, or county clerk, for more than four years, in any period of six years. Township officers shall be elected by the electors of each township at such time, in such manner, and for such term, not exceeding three years, as may be provided by law; but shall hold office until their successors are elected and qualified. [As amended October 13, 1885. See Appendix.]

Sec. 3. When any county shall have a population of more than one hundred and thirty-five hundred, and less than two hundred and seventy-five hundred, it shall be entitled to two representatives; and when the population shall be more than two hundred and seventy-five hundred, and less than four hundred and fifteen hundred, it shall be entitled to three representatives; and so on, in the same ratio for each additional population of one hundred and thirty-five hundred, that each county shall have one representative for every one hundred and thirty-five hundred, in 1903.]

Sec. 3. When any county shall have a population of more than one hundred and thirty-five hundred, and less than two hundred and seventy-five hundred, it shall be entitled to two representatives; and when the population shall be more than two hundred and seventy-five hundred, and less than four hundred and fifteen hundred, it shall be entitled to three representatives; and so on, in the same ratio for each additional population of one hundred and thirty-five hundred, that each county shall have one representative for every one hundred and thirty-five hundred, in 1903.]

SEC. 4. Any county, forming with another county a representative district, during one decennial period, shall not be entitled to a separate representation, if there shall be a county or counties from which it shall have been separated, and which shall be entitled to a representative; but no such change shall be made during a regular decennial period for the apportionment of representatives.

SEC. 5. If, in fixing any subsequent ratio, a county shall be entitled to a separate representation, shall have less population than required by the new ratio for a representative, and shall be attached to the county adjoining it, having the least population; and the representation of the district, shall be determined as herein provided.

SEC. 6. The ratio for a senator shall forever be maintained by dividing the whole population of the state by thirty-five.

any district which shall be less than three-fourths of a senatorial ratio, as the representative districts.

Any county, forming part of a senatorial district, having a population equal to a full senatorial ratio, shall be made a senatorial district, at any regular decennial apportionment. The senatorial ratio shall be left in the district from which it

is taken. For the first ten years, after the year one thousand eight hundred and sixty-one, the apportionment of representatives shall be made according to the schedule, and no change shall ever be made in the representation, as herein established, or, in the senatorial ratio, except as above provided. All territory, belonging to the state at the time of any apportionment, shall, as to the right of suffrage, remain an integral part thereof, during the ensuing period.

The governor, auditor, and secretary of state, or any two of them, at least six months prior to the October election, in the year one thousand eight hundred and sixty-one, and, at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of representatives and senators each county or district shall be entitled to for what years, within the next ensuing ten years, and the governor shall cause the same to be published, in such manner as shall be provided by law.

The counties of Cleveland, Franklin, and Madison, the first subdivision; Highland, Knox, and Pickaway, Franklin, and Madison, the second subdivision; and, together, shall form such district.

The counties of Licking, Knox, and Ross, the first subdivision; Morrow, Richland, and Wayne, Holmes, and Coshocton, the second subdivision; and, together, shall form such district.

The counties of Fairfield, Perry, and Ross, the first subdivision; Jackson, Vinton, and Adams, the second; and Gallia, Meigs, Athens, and Clinton, the third subdivision, of the seventh district; and, together, shall form such district.

The Counties of Muskingum and Morgan, the first subdivision; Guernsey, Belmont, and Harrison, Jefferson, Harrison, and Tuscarawas, the second subdivision; and, together, shall form such district.

The counties of Stark, Carroll, and Columbus, the first subdivision; Trumbull, Portage, and Mahoning, and Geauga, Lake, and Ashtabula, the third subdivision; and, together, shall form such district.

SEC. 13. The General Assembly shall attach any territory that may hereafter be erected, to such districts, or to such new districts, as shall be most convenient.

ARTICLE XII

FINANCE AND TAXATION

SECTION 1. The levying of taxes, by the poll, is oppressive; therefore, the General Assembly shall never levy a tax for county or state purposes.

SEC. 2. Laws shall be passed, taxing by a uniform rate all credits, investments in bonds, stocks, joint stock companies,

The General Assembly shall provide for the payment of the interest on the state debt, and shall be levied, except in payment of the principal of the same, a tax, shall state, distinctly, the purpose for which it shall be applied.

The state shall never contract any debt for purposes of improvement.

Article XIII

CORPORATIONS

Section 1. The General Assembly shall pass no special act conferring special powers.

Section 2. Corporations may be formed under general laws; but all such laws, from time to time, be altered or repealed.

Section 3. Debt from private corporations shall be secured by such mortgage as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock of such corporation or her. [As amended November, 1903.]

Section 4. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

Section 5. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money, to be secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; such compensation shall be ascertained by a jury of twelve men, a part of record, as shall be prescribed by law.

Section 6. The General Assembly shall provide for the organization and incorporation of villages, by general laws, and restrict the power of taxation, assessment, borrowing money, contracting debts, and pledging their credit, so as to prevent the abuse of such

The proceedings of the General Assembly shall, at the time, be reported to the General Assembly, and be a part of the records of that body.

Section 1. Columbus shall be the seat of government, and all public business shall be directed by law.

Sec. 2. The printing of the laws, journals, reports, documents and papers for each branch of the General Assembly, and the printing required for the executive and judicial departments, shall be let, on contract, to the lowest bidder, and the contract shall be made with the executive officers, and in such manner, as shall be prescribed by law.

Sec. 3. An accurate and detailed statement of the receipts and expenditures of the public money, the several departments, and on what account, shall, from time to time, be made, and be prescribed by law.

Sec. 4. No person shall be elected or appointed to any office in this state, unless he possesses the qualification of an elector.

Sec. 5. No person who shall hereafter fight, or be fought with, or send, accept, or knowingly receive, or be received by, for, shall hold any office in this state.

Sec. 6. Lotteries, and the sale of lottery tickets, or any other thing whatever, shall forever be prohibited in this state.

Sec. 7. Every person chosen or appointed to any office in this state, before entering upon the discharge of his duties, shall take an oath or affirmation, to support the Constitution of the United States, and of this state, and also an oath of office.

Sec. 8. There may be established, in the secretaries' office, a bureau of statistics, under such regulations as shall be prescribed by law.

Sec. 9. No license to traffic in intoxicating liquors shall be granted in this state; but the General Assembly may provide against evils resulting therefrom.

...of against a convention; and if a majority of the electors, voting at said election, shall have voted in favor of a convention, the General Assembly shall, at their next session, provide for the election of a convention. The convention shall consist of as many members as the electors shall determine, who shall be chosen in the same manner as the members of the General Assembly. The convention shall meet within three months after their election, and shall have the same powers as the General Assembly.

At the general election, to be held in the year one thousand eight hundred and seventy-one, and in each twentieth year thereafter, there shall be a convention to revise, alter, or amend the constitution. The constitution shall be submitted to the electors of the state; and if a majority of all the electors, voting at such election, shall vote in favor of a convention, the General Assembly, at its next session, shall provide, by law, for the election of delegates, and the organization of such convention, as is provided in the preceding section. Any amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect, when the same shall have been submitted to the electors of the state, and approved by a majority of those voting thereon.

SCHEDULE

Section 1. All laws of this state, in force on the first day of September, one thousand eight hundred and fifty-one, not inconsistent with this constitution, shall continue in force, until amended, or repealed.

Section 2. The first election for members of the General Assembly, provided for by this constitution, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

Section 3. The first election for governor, lieutenant-governor; auditor-general, and secretary of state and attorney-general, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons, holding said offices on the first day of

three judges, and the judges shall
court on Monday in
dred on Monday, the first of said last
Monday, the first of said last
all be in the number of said courts, not
limited in the number as aforesaid,
court on Monday, the first of said last

Sec 10. The following township officers in office on the first day of September, one and five shall continue in office until

Section 1000 is in office, occurring after the
ber, of 1914, eight hundred and fifty
now present, and until officers are
qualified to constitute.

SEC. 1. This Act shall take effect, on
September eight hundred and fifty

SEC. 10. Officers shall continue in office, shall be re-elected, and shall be re-qualified.

Section 101 of the constitution in the supreme court in
ferred to the supreme court provided for in this
process of going to law.

SEC. 1. That the said courts shall, in their
succession, represent the supreme court; and all

October

and the poll for the election shall be opened, in the presence of the governor, the secretary of state, and some commissioners of the general land office, and some members of the general assembly, at two o'clock on some convenient day, in the month of November, in the year one thousand eight hundred and fifty-one, in the several judicial districts, the returns of which shall be made to the governor, having the largest population, in three or four days after the foregoing constitution shall be submitted to the electors of the state, at an election to be held on the third Tuesday of the month of November, one thousand eight hundred and fifty-one, in the several counties of this state. The ballots at such election shall be printed as follows: Those in favor of the constitution, "New constitution, Yes;" those against the constitution, "New constitution, No." The polls at said election shall be opened between the hours of eight and ten o'clock A. M., and closed at six o'clock P. M. The said election shall be conducted, and the returns thereof made and certified, to the secretary of state, as provided by the laws relating to the annual elections of state and county officers. Within twenty days after such election, the secretary of state shall open the returns in the presence of the governor; and, if it shall appear that more than half of all the votes, cast at such election, are in favor of the constitution, the governor shall issue his proclamation, stating that the constitution shall be the constitution of the state of Tennessee, and not otherwise.

Section 11. At the time when the votes of the electors shall be taken for the adoption or rejection of this constitution, the additional section of the words following, to-wit: "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may, by law, provide against evils resulting therefrom," shall be separately submitted to the electors for adoption or rejection, in form following, to-wit: A separate ballot may be given to each elector and deposited in a separate box. Upon the ballots for the said separate amendment shall be written or printed, or partly written and partly printed, the words: "License to sell intoxicating liquors, Yes;" and upon the ballots given against such amendment shall be written in the same manner, the words: "License to sell intoxicating liquors,

The counties of Ashland, Brown, Cass, Champaign, Clermont, Clinton, Cuyahoga, Geauga, Jefferson, Knox, Mahoning, Medina, Miami, Montgomery, Muskingum, Tipton, and Washington, shall, severally, be entitled to one representative, in each session; and two additional representatives, one in the second, one in the third, and one in the fourth session of the decennial period.

The counties of Belmont, Columbiana, and Harrison, shall, severally, be entitled to one representative, in each session; and one additional representative, one in the first session, and one in the third session of the decennial period.

The county of Muskingum shall be entitled to one representative, in each session; and one additional representative, one in the first session, and one in the third session of the decennial period.

The county of Cuyahoga shall be entitled to one representative, in each session; and two additional representatives, one in the second session, and one in the fourth session of the decennial period.

The county of Hamilton shall be entitled to one representative, in each session; and four additional representatives, one in the first, one in the second, one in the third, and one in the fourth session of the decennial period.

The following counties, until they shall have attained a population to entitle them to elect, separately, under the provision of the eleventh article, shall form districts in the following to-wit: The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Hardin, one district; the counties of Mercer and Warren, one district; the counties of Paulding, Defiance, and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district; each of which districts shall be entitled to one representative in every session of the decennial period.

Done in convention, at Cincinnati, the tenth day of the month of September, in the year of our Lord, one thousand eight hundred and eighty-five, the independence of the United States, the seventy-fifth anniversary.

ARTICLE XVII

SECTION 1. Elections for state and county officers shall be held on the first Tuesday after the first Monday in November in the even numbered years; and all elections for all other elective officers shall be held on the first Tuesday after the first Monday in November in the odd numbered years.

SEC. 2. The term of office of the governor, lieutenant governor, attorney-general, secretary of state and treasurer of state shall be two years, and that of the auditor of state shall be four years. The term of office of the judges of the supreme court and circuit courts shall be such even number of years not less than six (6) years as may be prescribed by the general assembly: that of the judges of the common pleas court six (6) years and of the judges of the probate court, four (4) years, and that of other judges shall be such even number of years not exceeding six (6) years as may be prescribed by the general assembly. The term of office of justices of the peace shall be such even number of years not exceeding four (4) years, as may be prescribed by the general assembly. The term of office of the members of the board of public works shall be such even number of years not exceeding six (6) years as may be so prescribed; and the term of office of all elective county, township, municipal and school officers shall be such even number of years not exceeding four (4) years as may be so prescribed.

And the General Assembly shall have power to so extend existing terms of office as to effect the purpose of Section 1 of this article.

Any vacancy which may occur in any elective state office other than that of a member of the General Assembly or of governor, shall be filled by appointment by the governor until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election for the office which is vacant, that occurs more than thirty (30) days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term. All vacancies in other elective offices shall be filled for the unexpired term in such manner as may be prescribed by law.

WILLIAM MEDILL, *President.*

Attest:

WM. H. GILL, *Secretary.*

Territory, or attach any portion of said Territory of the United States without the assent of the Territory hereby constituted; and this act shall be construed to impair any rights of Indians or Indian tribe in said Territory, and treaties of the United States, or to impair or property pertaining to said Indians, or the Government of the United States to make any law respecting said Indians, their rights which it would have been competent to had not been passed.

SEC. 2. That the executive power of the Territory shall be vested in a governor, who shall hold office and until his successor shall be appointed and removed by the President of the United States; he shall reside within said Territory; shall be commander of the militia thereof; he may grant pardons for offenses of said Territory, and reprieves for offenses against the United States, until the decision of the President thereon; he shall commission all officers who shall hold office under the laws of said Territory, and shall see that the laws be faithfully executed.

SEC. 3. That there shall be a secretary of said Territory, who shall reside therein and hold his office for four years and be appointed by the President of the United States; he shall keep and preserve all the laws and the proceedings of the legislative assembly after constituted, and all acts and proceedings of the executive department; he shall transmit one copy of the journals of the legislative assembly, within thirty days of each session thereof, to the President of the United States, the Secretary of the Interior and, at the same time, to the House of Representatives and the President of the Senate; and in case of the death, removal, resignation or necessary absence of the governor from the Territory,

and the legislative assembly together on any ordinary occasion at any time.

Sec. 5. That all male citizens of the Territory above the age of twenty-one years, and all male persons who shall have twelve months prior thereto become citizens of the United States, as well as actual residents at the time of the passage of said Territory which was declared open by the President to be open for settlement on the 1st of April, anno Domini eighteen hundred and eighty-five, shall be entitled to vote at the first election, and at every subsequent election the qualifications of persons holding office shall be such as may be prescribed by the legislative assembly, however, to the following restrictions, namely: First. The right of holding office shall be exercised only by citizens above the age of twenty-one years and by persons above that age who have declared, on oath, before some officer of record, as required by the naturalization laws, their intention to become citizens, and have taken the oath of allegiance to the Constitution of the United States, and who shall have been residents of the United States for the term of twelve months prior to the election at which they offer to vote. Second. The denial of the elective franchise or of holding office shall not be on account of race, color, or previous condition of service as soldier, officer, soldier, seaman, marine, or other person in the Army, Navy, or attached to troops in the service of the United States. Third. No person shall be allowed to vote in said Territory by reason of being a convict therein. Fourth. No person belonging to the Army shall be elected to, or hold, any civil office or appointment in said Territory.

Sec. 6. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution of the United States.

...the governor within five days after the date of the adjournment of the legislative assembly, and if he has not signed it, unless the legislature has returned in which case it shall not be a law. The governor shall, within five days after the date of the adjournment of the legislative assembly, appoint all township, district, and county officers, not otherwise provided for, shall be appointed or elected, as the case may be, in the manner as shall be provided by the governor and council of the Territory. The governor shall nominate and, with the advice and consent of the council, appoint all officers not otherwise provided for, and in the first instance the governor may appoint all such officers, who shall hold their offices until the first session of the legislative assembly; and he shall divide the Territory into the necessary districts for members of the council and representatives, and all other officers, and whenever a vacancy occurs from resignation or death, during the recess of the legislative assembly, the council in any office which is filled by appointment of the governor, and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative assembly. It is further provided that the legislative assembly shall not authorize the borrowing of any bond, script, or evidence of debt by the Territory, or by any city, town, or township therein for the construction of any road.

That no member of the legislative assembly shall hold or be eligible to any office which has been created or the salary or compensation of which have been increased while he was a member, during the term for which he was elected and for one year after the expiration of such term, but this restriction shall not be applicable to any member of the first legislative assembly provided for by this act; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative as-

...the said district court shall be held at such time and place as may be designated by the judge after assignment shall remain in force until assigned. The supreme court shall fix the times and places at which the district court shall be held, and shall provide therein. And the territory and counties shall be attached for judicial purposes to one county or counties as the supreme court may determine. The supreme court of said Territory shall appoint a clerk to hold his office at the pleasure of the court. Each district court shall appoint its clerk, a register in chancery, and shall keep his office at the place held. Writs of error, bills of exception, and appeals in all cases from the final decisions of said supreme court under such regulations as may be prescribed, but in no case removed to the supreme court, shall be allowed in said court. Writs of error and appeals from the decisions of said supreme court shall be allowed to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy to be ascertained by oath or affirmation of either party shall exceed five thousand dollars. And the said district courts shall have and exercise, except in cases heretofore established, the same jurisdiction in all cases as the circuit and district courts of the United States, and the jurisdiction otherwise conferred by this act, said courts shall have and exercise exclusive original jurisdiction in all cases against the laws of the United States committed to the Cherokee Outlet not embraced within the limits of the Territory of Oklahoma as herein defined, and in all cases

shall and may grant writs of habeas corpus in all cases authorized by law; and the fees for such writs shall be appropriated to the trial of causes arising under the constitution and laws; and writs of error and appeals in all cases shall be made to the supreme court of said Territory, as in

persons charged with any offense or crime in the Territory and for whose arrest a warrant has been issued, may be taken by the United States marshal or any of his deputies, wherever in said Territory, but in all cases the accused shall be taken, for examination, before a United States commissioner, or a justice of the peace of the county, whose office is nearest to the place where the offense or crime was committed.

Offenses committed in said Territory, if committed within any county, shall be prosecuted and tried within said county; and if committed within territory not embraced in any organized county, shall be prosecuted and tried in the county to which such territory shall be attached for judicial purposes. And all civil actions shall be instituted in the county in which the defendant, or the cause of action, resides or may be found; and when such actions arise in any portion of said Territory, not organized as a county, such actions shall be instituted in the county to which such territory is attached for judicial purposes; but any case, civil or criminal, may be removed by change of venue, to another county.

That the following chapters and provisions of the Constitution of the State of Nebraska, in force November first, eighteen hundred and eighty-nine, in so far as they are locally applicable, and not in conflict with the laws of the United States or with this act, are

shall exercise a salary as the court may determine. There shall be appointed a clerk of the court, who shall hold his office for four years, and shall be a resident of said Territory, and shall exercise all powers relating to the court, and shall exercise their jurisdiction as circuit and district courts, and shall have the power and perform the duties of the same regulations and penalties imposed by the laws of the United States, and be entitled to a salary of one thousand dollars a year. There shall be allowed to the marshal, clerks of the supreme and district courts the same compensation as is prescribed for similar services by such persons in the Federal Judiciary, of the Revised Statutes of the United States.

The governor, secretary, chief-justice, and associate justice, and marshal shall be nominated and, by and with the consent of the Senate, appointed by the President of the United States. The governor and Secretary to be appointed as such, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace, or some person in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief-Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices. The oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be recorded by the secretary among the executive proceedings of the chief-justice and associate justices, and all other civil proceedings in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be recorded by him as aforesaid, and afterwards the like oath or

Sec. 15. That the legislative assembly of said Territory shall hold its first session at the same time as the governor thereof shall assume office, or as soon thereafter as the governor and legislative assembly shall determine, and the seat of government for said Territory shall be the place which the governor may deem eligible, which place, however, shall not be subject to be changed by the said governor.

Sec. 16. That a Delegate to the House of Representatives of the United States, to serve during each Congress, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same privileges as are exercised and enjoyed by the Delegates of the other Territories of the United States in the House of Representatives. The first election shall be held, and be conducted in such manner as the governor may determine, direct, after at least sixty days' notice, to be given, and at all subsequent elections the time, place, and manner of holding elections shall be prescribed by law. The person receiving the greatest number of votes of the qualified electors shall be declared by the governor elected, and the certificate thereof shall be accordingly given.

Sec. 17. That the provisions of title sixty-two of the Statutes of the United States relating to national elections and amendments thereto, shall have the same force and effect in the Territory of Oklahoma as elsewhere in the United States. That persons otherwise qualified to act as directors of the same, required to have resided in said Territory for more than one year immediately preceding their election as such.

Sec. 18. That sections numbered sixteen and seventeen of the Statutes of the United States relating to public schools in said Territory shall be, and the same are hereby made, for the purpose of being applied to public schools in the States hereafter to be erected out of the same.

...and that homesteads be
...three...
...with a survey of...
...March first, eighteen hundred and eighty-nine, shall be disposed of under the provisions of sections thirteen, and fourteen of the "Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," approved March second, eighteen hundred and eighty-nine, and under section two of an "Act to confirm an agreement with the Muskogees (or Creek) Indians in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine: *Provided*, That each settler under and in accordance with the provisions of said acts shall, before receiving a patent for his homestead and hereafter opened to settlement as aforesaid, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents per acre. Any of the other lands within the Territory of Oklahoma occupied by any Indian tribe, shall by operation of law, by proclamation of the President of the United States, be open to settlement; they shall be disposed of to actual settlers only, under the provisions of the homestead law, except section twenty-three hundred and thirty of the Revised Statutes of the United States, which shall apply: *Provided, however*, That each settler, under and in accordance with the provisions of said homestead laws, shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, a sum equal to the amount which has been or may be paid by the United States to obtain a relinquishment of the Indian title or interest in the land, but in no case shall such payment be less than one dollar and twenty-five cents per acre. The rights of honorably discharged

Sec. 19. That the Governor of the Territory shall hold his first session at the place where the land office shall be located, and thereafter, in the same session, in the same place, or in such other place as he may determine. He shall, when directed by the House of Representatives of the Territory to be properly each Congress, if the same has not already been disqualified to elect a land office, locate a land office therein, and receiver thereof. And the Governor shall, when directed by the House of Representatives of the Territory to be properly each Congress, if the same has not already been disqualified to elect a land office, locate a land office therein, and receiver thereof.

Sec. 20. That the procedure in adjudications in the Territory of manner prescribed under the homestead act, and the general principles and held, except as modified by the provisions of the act approved March first and second, 1890, heretofore mentioned, shall be a place in said Territory, but no patent shall be issued. That a citizen of the United States at the time of election.

All persons who shall settle on land in accordance with the provisions of the homestead laws of the United States act, shall be required to select the same in sixty days, or may be; and no person who shall at the time of the selection of a hundred and sixty acres of land in any form hereafter be entitled to enter land in said Territory. The provisions of sections twenty-three direct, twenty three hundred and five of the Revised Statutes of the United States shall, except so far as modified by this act, apply to homestead settlements in said Territory.

Sec. 21. That any person, entitled by law to acquire land in said Territory of Oklahoma, who has already acquired land, or shall hereafter locate and file upon, a

the Secretary of the Interior to purchase the same, and shall file with the application a plat of such proposed town site, and if such plat shall be approved by the Secretary of the Interior he shall issue a patent to such person for land embraced in such town site, upon the payment of the sum of ten dollars per acre of such lands embraced in such town site, except the lands to be reserved and maintained for public purposes as provided in this act. The moneys so received by the Secretary of the Interior shall be turned over to the proper authorities of the municipalities when such lands are to be used by them for school purposes only.

That there shall be reserved public highways four rods wide from each section of land in said Territory, the section lines to be the center of said highways; but no deduction shall be made from the payments are provided for, in the amount to be paid for any section of land by reason of such reservation. But if any such highway shall be vacated by any competent authority, the lands and respective strips shall inure to the then owner of the tract of land so formed a part by the original survey.

That it shall be unlawful for any person, for himself or for any company, association, or corporation, to directly or indirectly induce any person to settle upon any lands open to settlement in the Territory of Oklahoma, with intent thereafter of acquiring title to such lands, and any title thus acquired shall be void; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished upon indictment, by imprisonment not exceeding twelve months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

and proceedings with to be conducted in the same manner and circumstances of the same persons.

Sec. 26. That the following sums, not otherwise appropriated, be and the same shall be disbursed by the Secretary of the Interior, in the same manner as the same are disbursed in the other Territories, namely:

To pay the expenses of the first legislative assembly of the Territory, including the printing of the session book, the sum of forty thousand dollars.

To pay the salaries of the governor, the judges of the court, the secretary of the Territory, the members of the other officers whose appointment is provided for, for the remainder of the fiscal year ending June thirtieth, one thousand eight hundred and ninety, the sum of twenty thousand dollars.

To pay for the rent of buildings for the legislative offices, and for the supreme and district courts; to support prisoners; to pay mileage and per diem for witnesses; to provide books, records, and stationery for the legislative and judicial offices for the remainder of the fiscal year ending June thirtieth, eighteen hundred and ninety, the sum of ten thousand dollars.

To enable the governor to take a census of the Territory, as required by law, the sum of five thousand dollars.

To be expended by the governor in temporary common school education in said Territory, as soon as public schools shall have been established by the legislature, the sum of fifty thousand dollars.

Sec. 27. That the provisions of this act shall not be construed as to invalidate or impair any legal claims or rights existing in any portion of said Territory, under the laws of the United States.

That for the purpose of holding terms of said court, said Territory is hereby divided into three divisions, to be known as the first, second, and third division. The first division shall consist of the country occupied by the Indian tribes in the Cherokee country and all that part of the Cherokee country east of the eighth meridian and all of the Creek country; and the place for holding said court therein shall be at Muskogee. The second division shall consist of the Choctaw country, and the place for holding said court therein shall be at South McAlistier. The third division shall consist of the Chickasaw and Seminole countries; and the place for holding said court therein shall be at Ardmore. The Attorney-General of the United States may, if in his judgment it shall be necessary, appoint an assistant attorney for said court. And the clerk of said court shall appoint a deputy clerk in each of said divisions in which said clerk does not himself reside at the place in such division where the terms of said court are to be held. Each deputy clerk shall keep his office and reside at the place for holding said court in the division of such residence, and shall keep the records of said court for such division, and in the absence of the clerk may exercise all the official powers of the clerk in such division for which he is appointed: *Provided*, That the appointment of such deputies shall be approved by said United

in which the person is reasonable, the judge shall direct such case to be heard in such court. *Provided, however, That the Indian nations shall retain exclusive jurisdiction of cases arising in the country in which such activity or by adoption shall be the only cases the laws of the State of Arkansas shall have force in said Indian Territory by this act.*

Sec. 31. That certain general laws of the State of Arkansas, as amended, shall have force at the close of the session of the general assembly of eighteen hundred and eighty-three, as printed in the volume known as the Statutes of Arkansas, which are not in conflict with this act or with any law of the State on subjects specially mentioned in this section, shall be put in force in the Indian Territory until otherwise provide, that is to say, the provisions of the State of Arkansas relating to administration, chapter one; the States court in the Indian Territory herein provided, and exercise the powers of courts of probate and public administrators, chapter two, and the United States court in the Indian Territory shall perform the duties imposed on the sheriffs in said State; to arrest and to seven; to assignment for benefit of creditors, chapter eight; to attorneys at law, chapter nine; to exchange and promissory notes, chapter four; chapter eighteen; to common and statute law, chapter twenty; to contempts, chapter twenty-six; to corporations, chapter twenty-nine, division one; to oaths to descents and distributions, chapter forty-nine, chapter fifty-two, and said court in the Indian Territory shall exercise the powers of the circuit courts of Arkansas under the power, chapter fifty-two; to evidence, chapter fifty-three; to fees, chapter sixty-three;

...are the sole parties, not as parties to the power of said civilized nations to enforce the statutes and laws enacted by them, and such laws are not contrary to the Constitution of the States.

Sec. 32. That the word "county," as used in the laws of Arkansas which are put in force in the Indian Territory, by the provisions of this act, shall be construed to extend to the limits of a judicial division in said Indian Territory, wherever in said laws of Arkansas the word "county" is used, the word "judicial division" may be substituted therefor, for the purposes of this act. And where in the laws of Arkansas the word "State" or the words "State of Arkansas" are used, the word "Territory," or the words "Indian Territory," may be substituted therefor, for the purposes of this act, for the purpose of making said laws of Arkansas applicable to the Indian Territory; but all prosecutions therein shall run in the name of the "United States."

Sec. 33. That the provisions of chapter forty-five of the general laws of Arkansas, entitled "Criminal Law," relating to crimes and misdemeanor mentioned in the provisions of said chapter, and the provisions of chapter forty-six of said laws of Arkansas, entitled "Criminal Procedure," as far as applicable, are hereby extended over and put in force in the Indian Territory, and jurisdiction to enforce said provisions is conferred upon the United States court therein: *Provided*, That in cases where the laws of the United States and the laws of Arkansas have provided for the punishment of the same, the laws of the United States shall govern as to such punishment: *provided further*, That the United States circuit and district court for the western district of Arkansas, and the United States circuit and district court for the district of Texas, respectively, shall continue to exercise

Section 1. That all violations of the provisions of said act shall be prosecuted in the courts for the western district of Arkansas and the western district of Texas, respectively, the same as if this act had not been passed.

Section 2. That jurisdiction is hereby conferred upon the United States court in the Indian Territory over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Indian Territory, and any citizen or member of one tribe or nation who may commit any offense or crime against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Indian Territory as he would be if both parties were citizens of the United States. And any member or citizen of any Indian tribe or nation in the Indian Territory shall have the right to invoke the aid of said court therein for the protection of his person or property as against any person not a member of the same tribe or nation, as though he were a citizen of the United States.

Section 3. That if any person shall, in the Indian Territory, open, establish, promote, make or draw, publicly or privately, any lottery, scheme of chance of any kind or description, by whatever name, or under the same may be denominated or known, or shall, in said Territory, vend, sell, barter or dispose of any lottery ticket or tickets, or orders, device or devices, of any kind, for, or representing any number of shares or any interest in any lottery or scheme of chance, shall open or establish as owner or otherwise any lottery

...shall be deemed legitimate and entitled to the same rights of property or other rights, the same as in the case of marriages in the forms of lawful marriage: *Provided further*, That the laws of Arkansas, one hundred and three of said laws of Arkansas, shall be construed so as to interfere with the operation of any law of marriage enacted by any of the civilized tribes within the Territory authority upon any officer of said court to refuse to perform any marriage in the United States in marriage with a member of any Indian nation until the preliminaries to such marriage are arranged according to the laws of the nation of which the person is a member: *And provided further*, That if a marriage is required by law of an Indian nation to be solemnized, a certificate of such marriage shall be sent for record to the court as provided in such law enacted by the Indian nation.

Sec. 39. That the United States court in the Indian Territory have all the powers of the United States circuit court judges to appoint commissioners within said Territory who shall be learned in the law, and shall be known as commissioners; but not exceeding three commissioners appointed for any one division, and such commissioners appointed shall have, within the district to be designated by appointing them, all the powers of commissioners of the United States. They shall be ex officio notaries public and shall have power to solemnize marriages. The provisions

That he shall take the oath of office and qualification before the United States marshal and to faithfully perform the duties of his office, and that he shall be subject to the removal of the President of the United States; and that the laws of the United States shall be enforced in the Indian Territory, and that the courts of law and in good faith performed by them shall be respected and validated.

That persons charged with any offense or crime in the Indian Territory, and for whose arrest a warrant has been issued by the United States marshal or any of his deputies, shall be taken into custody in said Territory, but in all cases the accused shall be taken for preliminary examination, before the commissioner of the Indian division whose office or place of business is nearest by rail to the place usually traveled to the place where the offense or crime was committed; but this section shall apply only to crimes or offenses over which the courts located in the Indian Territory have jurisdiction. Provided, That in all cases where persons have been brought before a United States commissioner in the Indian Territory for preliminary examination, charged with the commission of any crime or offense, and where it appears from the evidence that a crime has been committed, and that there is probable cause to believe the accused guilty thereof, but that the crime is one over which the courts in the Indian Territory have no jurisdiction, the accused shall not, on that account, be discharged, but the case shall be proceeded with as provided in section ten hundred and fourteen of the Revised Statutes of the United States.

That the judge of the United States court in the Indian Territory shall have the same power to extradite persons who have taken refuge in the Indian Territory, charged with crimes in the States or other Territories of the United States, that may now be exercised by the governor of Arkansas in that State, and he may make requisitions upon governors of States and other Territories for persons who have committed offenses in the Indian Territory, and who have taken refuge in such States or Territories.

Sec. 4. That the following sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed by the Attorney-General of the United States, for the purpose of making similar appropriations are disbursed in the Territories and the United States, namely:

To pay the actual traveling and other expenses of the United States court holding court in said Territory, other than at Muskogee; to pay for the rent of buildings to provide jails and support prisoners; to pay the expenses of jurors and witnesses; to provide books and stationery for the judicial offices for the remainder of the year ending June thirtieth, eighteen hundred and ninety, the sum of \$25,000 dollars.

Approved, May 2, 1890.

ENABLING ACT FOR OKLAHOMA

[FIFTY-NINTH CONGRESS, FIRST SESSION]

An Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That of all that part of the area of the United States now known as the Territory of Oklahoma and the Indian Territory, as described, may adopt a constitution and become the State of Oklahoma.

...the Territory of Oklahoma, and the...
...shall establish voting precincts...
...and shall appoint the judges for election in said...
...and two delegates shall be elected from each...
...the Commissioner to the Five Civilized Tribes...
...of the United States courts for the Indian Territory...
...by the President, shall constitute a board, which shall...
...said Indian Territory into fifty-five districts, as nearly...
...as may be, and one delegate shall be elected from...
...districts; and the governor of said Oklahoma Territory...
...the judge senior in service of the United States court...
...Territory, shall, by proclamation in which such terms...
...shall be fully specified and announced, order an election...
...of the delegates aforesaid in said proposed State at a time designated...
...there within six months after the approval of this Act, which...
...proclamation shall be issued at least sixty days prior to the time of...
...said election of delegates. The election for delegates in the...
...of Oklahoma and in said Indian Territory shall be con-
...returns made, the result ascertained, and the certificates of...
...elected to such convention issued in the same manner as is...
...by the laws of the Territory of Oklahoma regulating...
...Delegates to Congress. That the election laws of the...
...of Oklahoma now in force, as far as applicable and not in...
...with this Act, including the penal laws of said Territory of...
...relating to elections and illegal voting, are hereby extended...
...in force in said Indian Territory until the legislature of...
...State shall otherwise provide, and until all persons...
...against said laws in the election aforesaid shall have been

of delegates: *Provided further*, That the
Congo Indian Reservation, notwithstanding
the fact that a general convention may be made by the
Democratic, and People's Party, or by any other party
provided by the laws of the Territory of Oklahoma, the
petitions of nomination in said Indian Territory shall be
the districting and canvassing board who shall be the
election commissioner under said law, and shall
distribute all ballots, poll books, and check books,
the holding of said election under said law, the
State shall temporarily be at the city of Guthrie, Terri-
tory of Oklahoma and shall not be changed until the
anno Domini nineteen hundred and thirteen; and
after said year, be located by the electors of said
to be provided for by the legislature: *Provided*,
legislature of said State, except as shall be necessary
in the efficient transaction of the public business of said
shall not appropriate any public moneys of the Territory
of buildings for capitol purposes during such period.

Sec. 3. That the delegates to the convention shall
at the seat of government of said Oklahoma Territory
Tuesday after their election, excluding the day of
day shall be Tuesday, but they shall not receive
more than sixty days of service, and, after organization
on behalf of the people of said proposed State, shall
Constitution of the United States; whereupon the
shall, and is hereby authorized to, form a constitution
ernment for said proposed State. The constitution
lican in form, and make no distinction in civil or
account of race or color, and shall not be repugnant
tion of the United States and the principles of the
Independence. And said convention shall provide
tution—

...in each incorporated territory, and in each State in which there is no such person, there shall be no sale of such liquor for medicinal purposes; and that the sale, for industrial purposes, of such liquor shall have been demonstrated by some person approved by the United States Commissioner of Internal Revenue, and that such liquor shall be used for scientific purposes in such scientific institutions, and colleges as are authorized to procure the same under the laws of the United States; and for the sale of such liquor to an apothecary who shall have executed an approved bond, in the sum of not less than one thousand dollars, conditioned that such liquor shall be used or disposed of for any purpose other than the filling of prescriptions or other medicines, the sale of such liquor shall not subject him to the payment of the special tax levied on liquor dealers by the United States, and the payment of such special tax by any person within the parts of said State herein provided shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon an sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as herein provided unless such statement shall be accompanied by a prescription signed by a regular practicing physician, and such prescription shall not be filled more than once. Each sale shall be registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of said State at all times during business hours. Any person who shall knowingly make a false affidavit for

Fourth. That the debts and

Fifth. That provisions shall be made for the

maintenance of a system of public schools for all the children of said State and that said schools shall always be conducted as public schools: And provided further, that nothing herein shall preclude the establishment of public schools for white and colored children.

Sixth. That said State shall never abridge the right of suffrage on account of condition of servitude.

Sec. 4. That in case a constitution and formed in compliance with the provisions forming the same shall provide by ordinance to the people of said proposed rejection at an election to be held at a time which election the qualified voters for said directly for or against the proposed constitution any provisions separately submitted. The shall be made to the secretary of the Territory with the chief justice thereof and the senior States court of appeals for the Indian Territory same; and if a majority of the legal votes cast be for the constitution the governor of Oklahoma judge senior in service of the United States Indian Territory shall certify the result to United States, together with the statement of the

by the President of the United States, and the Senate of the United States, and the House of Representatives of the United States, and the following described districts, the number of members in the same until the next general election, shall be as follows: District numbered one shall comprise the counties of Adams, Dallas, Tarrant, Cooke, Tarrant, and Tarrant, and the territory comprising the Ogea and Red River rivers.

District numbered two shall comprise the counties of Adams, Blaine, Caddo, Carter, Dewey, Day, Washita, and Pottawatomie.

District numbered three shall (with the exception of that part of recording district numbered twelve, which is in the Cherokee Nation) comprise all the territory now constituting the Creek, Chickasaw, and Seminole nations, and the Indian reservations within said State.

District numbered four shall comprise all that territory now constituting the Choctaw Nation, that part of recording district numbered twelve which is in the Cherokee and Creek nations, that part of recording district numbered twenty-five which is in the Cherokee Nation, and the territory comprising recording districts numbered sixteen, twenty-one, twenty-two, and twenty-six, in the Cherokee Nation.

District numbered five shall comprise the counties of Greer, Kiowa, Washita, Comanche, Cleveland, and Pottawatomie, and the territory comprising recording districts numbered seven, eight, nine, nineteen, and twenty, in the Chickasaw Nation, and the territory.

...the amount of the sum of one hundred and fifty thousand dollars, to be paid by the United States to the State of Texas, to be used for the support and maintenance of the common schools of said State, and the interest on such sum shall be paid by the United States at such time and to such person or persons as the State to receive the same under laws to be enacted until said State shall enact such laws said sum shall be paid, but said State shall be allowed interest at three per centum per annum, which shall be for the use and benefit of its public schools. Said sum of one million dollars shall be held and invested by the United States for the use and benefit of said schools, and the interest thereon shall be used exclusively in the support and maintenance of said schools. *Provided*, That nothing in this Act contained shall be construed to interfere with the Act of Congress relating to the Sulphur Springs Reservation, as defined or as may be hereafter defined or extended by law; but the United States over it or any other lands and interests hereafter set aside by Congress as a national park, game preserve, or other land for the preservation of objects of archaeological or scientific interest; and nothing contained in this Act shall interfere with the title and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other land for the preservation of objects of archaeological or scientific interest; but the United States shall have exclusive control and jurisdiction over the same, and this proviso contained shall be construed to prevent the United States from having exclusive control and jurisdiction over the same. *said Sulphur Springs Reservation or national park.*

...the school, college, university, or other educational institution, and all such lands shall be reserved under and for the use of such institutions and shall be managed and disposed of as the legislature of said State may determine. The part of the lands granted by this Act which are valuable for minerals, which have not been leased by such lands shall not be sold by the said State until the nineteenth hundred and fifteen; and the same may be leased for not exceeding five years by the State officers for the that purpose, such leasing to be made by public sale after not less than thirty days' advertisement in the manner prescribed by law, and all such leasing shall be done public and awarded to the highest responsible bidder. The shall require and the advertisement shall specify in each case the royalty to be paid by the successful bidder, in addition to the offered for the lease, and all proceeds from leases shall be paid into the fund to which they shall properly belong, and no sale or assignment of any lease shall be valid or confer any right on the assignee without the consent of the proper State authority. *Provided, however,* That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for any damage done to said agricultural lessees' interest therein by reason of the mining operations. The legislature of the State may

and all other lands granted to the State, shall be surveyed and regulated, and shall not be leased or sold, nor shall any other entry under the land laws be made, surveyed or unsurveyed, but shall be held in reserve only, and until such time as the legislature shall otherwise direct such lands shall be leased under the provisions of this Act. That before any of the said lands shall be sold under the provisions of nine and ten of this Act, the said lands and improvements thereon shall be appraised by three disinterested persons, two of whom shall be nonresidents of the county wherein the lands are situated, as the legislature of said State shall determine. The said appraisers shall make a true appraisement of the cash value thereof, exclusive of improvements thereon, and shall also appraise all permanent improvements thereon at their reasonable value, and in case the leaseholder or purchaser, the purchaser at said sale shall, under the regulations as the legislature may prescribe, pay to the holder the appraised value of said improvements, and the amount bid for the said lands, exclusive of the value of improvements; and at said sale no bid for the said lands shall be accepted unless it exceeds the appraisement thereof shall be accepted.

SEC. 11. That an amount equal to five per cent of the sales of public lands lying within said State shall be set aside by the said State, to be used as a permanent fund, the interest on which shall be expended for the support of the public schools within said State.

SEC. 12. That in lieu of the grant of land for the improvement made to new States by the eighth section of the Act of September fourth, eighteen hundred and forty-one, which is hereby repealed as to said State, and in lieu of any other grant of land to the State of Oklahoma under the Act of September

...as Oklahoma City, and one term in each year for the time being. And the said judges shall possess the same powers and perform the same duties required to be performed by the circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The said district attorney, and clerk of each of the circuit and district courts, and all other officers and persons performing the administration of justice therein, shall severally possess and perform the duties lawfully required to be performed by the officers in other districts of the United States, and shall,

of appeals under the provisions of the act, and determined in like manner, and the United States, or the United States court of appeals, shall remain the same, and the court or other final appellate court of the United States circuit and district courts of the United States. *Provided*, That the time allowed for the writ of error from appellate courts of the United States shall be enlarged hereby, and all appeals and writs of error from the final judgments of said courts at the United States of such State shall be taken within six months.

Sec. 16. That all causes pending in the court of the Oklahoma Territory and in the United States court of appeals in the Indian Territory, the Constitution, laws, or treaties of the United States, ambassadors, ministers, or consuls of the United States, or of any other country or State, or of admiralty or of marine, in which the United States may be a party, or between the same State claiming lands under grants from the United States, in all cases where there is a controversy between citizens prior to admission and citizens of different States, or between citizens of different States, or between a citizen of the United States and citizens or subjects of any foreign State or country, or of diversity of citizenship there shall be more than \$1000 in controversy, exclusive of interest and costs, shall be transferred to the proper United States circuit or district court of the United States: *Provided*, That said transfer shall not be made unless the United States is not a party except on application of the parties in the court in which the cause is pending, and at the second term of such court, after the admission of the case, supported by oath, showing that the case is one which

...in the amount of said ...
...and all ...
...provided for, and shall ...
...cases, ...
...provided, subject to the duty to ...
...in any ...
...the courts of original jurisdiction ...
...the successor of all courts of original jurisdiction ...
...and as such shall take and retain custody of all ...
...journals, and files of such courts ...
...as herein provided; the files and papers in ...
...cases shall be transferred to the proper United States ...
...court, together with a transcript of all books and ...
...in such particular case so transferred. ...
...all cases pending in the district courts of Oklahoma ...
...in the United States courts for the Indian Territory ...
...Territories become a State not transferred to the United ...
...or district courts in the State of Oklahoma shall be pro- ...
...held, and determined by the courts of said State, the ...
...said district courts of the Territory of Oklahoma and ...
...courts for the Indian Territory, with the right to prose- ...
...or writs of error to the supreme court of said State, and ...
...the same right to prosecute appeals or writs of error from ...
...termination in said causes made by the supreme court of ...
...Oklahoma to the Supreme Court of the United States, as

shall be in force throughout said State, and shall not be altered by this Act or by the constitution of the United States not locally inapplicable, and shall have the same effect within said State as elsewhere within the United States.

Sec. 22. That the constitutional provisions of this Act shall, by ordinance irrevocable, accept of the people, be in force within said State.

Sec. 23. That the inhabitants of all the Territories of the United States now constituting the Territory of New Mexico, as at present described, may become States, as hereinafter provided.

Sec. 24. That at the general election to be held on the first Monday of November, nineteen hundred and six, all the qualified electors, respectively, qualified to vote at such election, shall be authorized to vote for and choose delegates to form a convention of the Territories. The aforesaid convention shall consist of sixty-six delegates, and ten delegates, sixty-six of which delegates shall be elected by the people of the Territory of New Mexico, and four by the people of the Territory of Arizona. The chief justices, and secretaries of each of said Territories shall apportion the delegates to be thus elected among the electors of said Territories, as nearly as may be, equitably among the electors thereof in accordance with the voting population of each Territory cast for Delegate in Congress in the respective Territories, and the number of delegates to be thus elected shall be as follows: Forty-four for the Territory of New Mexico, and four for the Territory of Arizona.

That at the said general election and on the day of the election the names of candidates to the convention aforesaid shall be submitted to said qualified electors of each Territory.

...of this Act by proclamation in which the
appointment of delegates to the convention shall be fully
announced and the aforesaid question to be voted on
shall be clearly stated, under that the delegates aforesaid in
said Territories shall be voted for and the question shall
be submitted to the qualified electors in each of said
Territories as herein required at the aforesaid general election
at which the delegates shall be conducted, the returns made and
the names of persons elected in such convention listed, as here-
in provided, in the same manner as is prescribed by the laws of said
Territories, respectively, regulating elections therein of members of
legislatures: *Provided*, That if it appears from the returns that a
majority of the qualified electors in the Territory of Arizona voted
the question at the election voted in favor of the union of
New Mexico and Arizona as one State, then, and not otherwise, the
other proper officer of said Territory of Arizona into
the result of said election finally comes, shall immedi-
ately and certify the result as to the election of delegates
to the convention to the secretary of the Territory of New Mexico
and if it appears from the returns from the election held
in New Mexico that a majority of the qualified voters aforesaid voted
in favor of joint statehood, then in that event the secretary of said
Territory of New Mexico shall make up a temporary roll of the con-
vention from the certified returns from both of said Territories, and
submit the same to the convention to order at the time herein required, and

and shall provide for the same, and the people of the United States and the people of the State of Nevada, First. That perfect obedience be maintained, and that no inhabitant of said State shall be taxed on account of his or her property, and that polygamous or plural marriages, or giving of intoxicating liquors to Indians, be prohibited. Second. That the people inhabiting said State do hereby severally and declare that they forever disclaim all right, title, claim, appropriated and ungranted public lands lying within the limits thereof and to all lands lying within said State, except as reserved to any Indian or Indian tribes, except as hereinafter provided, until the title thereto shall have been ceded to the United States the same shall be and remain subject to the full and complete jurisdiction and control of the Congress of the United States, and such Indian lands shall be taxed as other lands and other property are taxed, any land or property owned or held by any Indian who has severed from the reservation and has obtained from the United States or from any other source thereto by patent or other grant, save and except where the same have been or may be granted to any Indian or Indian tribe by the Congress containing a provision exempting them from taxation, but said ordinance shall provide for the same.

...the proposed State for the purpose of
...to be held at a time fixed in said ordinance
...less than sixty days after such date
...of the ordinance at which the
...of said proposed State shall vote directly on
...constitution and for or against any
...separately submitted. The returns of said election
...by the election officers direct to the Secretary of the
...New Mexico at Santa Fe; who, with the governor and
...said Territories, or any four of them, shall meet at
...Santa Fe on the third Monday after said election and
...the same; and if a majority of the legal voters cast in
...shall be for the constitution the said canvassing board
...the result to the President of the United States, to
...the statement of the votes cast thereon, and upon separate
...propositions, and a copy of said constitution, articles,
...and ordinances. And if the constitution and govern-
...proposed State are republican in form, and if the pro-
...Act have been complied with in the formation thereof,
...the duty of the President of the United States, within
...from the receipt of the certificate of the result of said
...the statement of the votes cast thereon and a copy of said
...articles, propositions, and ordinances from said board,
...proclamation announcing the result of said election, and
...proposed State shall be deemed admitted by Congress

...the same shall be subject to the grants
lands shall be subject to the indemnity to be
vided, That nothing in this Act contained
Act of Congress relating to the Casa
as may be hereafter defined or extended,
States over it, or any other lands em
aside by Congress as a national park, game
ervation of objects of archaeological or
nothing contained in this Act shall in
ownership of the United States in any land
gress as national park, game preserve, or
said Casa Grande Ruin as it now is or may
extended by law, but exclusive legislation,
shall be exercised by the United States, w
control and jurisdiction over the same; but
contained shall be construed to prevent the
Grande Ruin, or national parks, game p
tions hereafter established by law, of civil

Nothing in this Act shall be so construed, unless specifically stated, as to repeal any grant or law made by any Act of Congress to either of said Territories. All laws are hereby ratified and confirmed in and to said Territories and that may not, at the time of the admission of said Territory into the Union, have been selected and segregated from the public lands may be so selected and segregated in the manner provided.

Five per centum of the proceeds of the sales of public lands within said State which shall be sold by the United States after the admission of said State into the Union, after the expenses incident to the same, shall be paid to the State to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State. There is hereby appropriated, out of any moneys in the Treasury or otherwise appropriated, the sum of five million dollars to the benefit of the common schools of said State. Said sum shall be paid by the Treasurer of the United States to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State,

country and overflowed lands, and the same is not extended to the selection of saline lands to said State, and the grants of land from public lands of the State are hereby made, to wit:

For the establishment and maintenance of lunatic asylums in the said State, two hundred thousand acres; for the deaf and dumb, two hundred thousand acres; for the blind, two hundred thousand acres; for hospitals for disabled miners, one hundred thousand acres; for common schools, two hundred thousand acres; for reformatory institutions, two hundred thousand acres; for agricultural and mechanical colleges, three hundred thousand acres. *Provided*, That the two national appropriations made to the two agricultural and mechanical colleges, respectively, shall, until the further order of the Secretary of the Interior, be paid to said State for the use of said reformatory schools of mines, two hundred thousand acres, and two hundred thousand acres.

Sec. 35. That all lands granted in quantity by this Act shall be selected, under the direction of the Secretary of the Interior, from the unappropriated public lands within the limits of the said State, by a commission consisting of the governor, surveyor-general, and attorney-general; and no fees shall be charged for passing the title to the preliminary proceedings thereof.

Sec. 36. That all mineral lands shall be exempted from the operation of this Act; but if any portion thereof shall be determined by the Department of the Interior to be mineral lands, the same shall be selected by the commission provided for in section thirty-five, under the direction of the Secretary of the Interior, is hereby empowered to select, in legal subdivisions, an equal amount of unappropriated lands in said State in lieu thereof.

shall receive the same fees and compensation as shall be received by the clerks of the circuit courts of the United States, and clerks of the district courts of the United States, and all other officers and persons performing similar duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and the services they may perform, receive the fees and compensation allowed by law to officers performing similar services in the States in the Territories of Arizona and New Mexico.

And all cases of appeal or writ of error heretofore pending in the Supreme Court of the United States, or removed from the supreme court of either of said Territories, shall hereafter lawfully be prosecuted upon any record from which they may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district courts, respectively, hereby established within each State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts hereby established shall, respectively, be the successors of the supreme courts of the said Territories as to all such cases arising within the jurisdiction embraced within the jurisdiction of such courts, respectively, and shall have power to proceed with the same and award means or final judgment; and that from all judgments and decrees of the circuit courts of the said Territories mentioned in this Act, in any case pending within the limits of the proposed State prior to admission, appeal to such judgment shall have the same right to prosecute writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

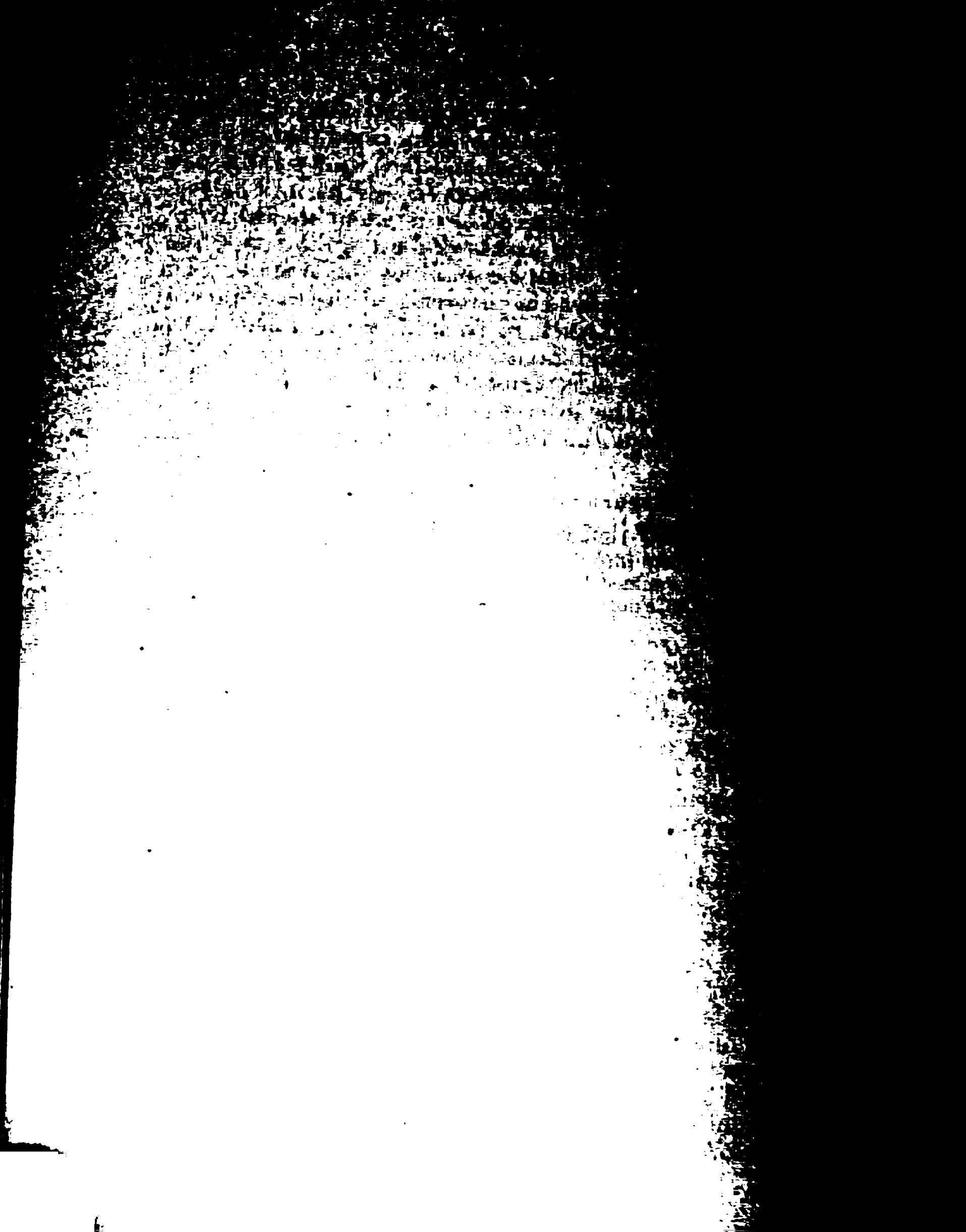
SEC. 39. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territories at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this Act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territories, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territories at the time of the admission of such Territories into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territories shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however,* That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

SEC. 40. That the constitutional convention shall by ordinance provide for the election of officers for a full State government, including members of the legislature and two Representatives in Congress, at the time for the election for the ratification or rejection of the constitution; one of which Representatives shall be chosen from a Congressional district comprised of the present Territory of Arizona, to be known as the First Congressional district, and the other from a Congressional district comprised of the remainder of said State, to be known as the Second Congressional district; but the said State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this Act. In case the constitution of said State shall be ratified by a majority of the qualified voters of said Territories voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Santa Fe, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and when such State is admitted into the Union, as provided in this Act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws of

...dollars shall be paid by ...
...under the direction of ...
...be forwarded, to be ...
...of Arizona and in the present ...
...the respective secretaries of said ...
...and proper, in the discretion of the Secretary of the ...
...to carry out the full intent and meaning of this

June 16, 1906.

...the constitution of Oklahoma of 1907, and the proclamation of ...
...admitting the State into the Union, see Volume VII, p. 4200 of ...
...was submitted November 16, 1907; the present work was completed ...
...certified by the Public Printer, September 9, 1907.--Ed.



...the said country, that the said country, with its harbors, bays, and creeks, and the navigation therein, be free and open for the passage of the vessels, ships, boats, and subjects of the two parties. It is agreed that this agreement is not to be construed as giving either of the two high contracting parties any right or authority in any part of the said country, nor shall it be taken as giving any other power or State to any part of the said country. The only object of the high contracting parties, in this agreement, is to prevent disputes and differences among themselves.

CONVENTION WITH RUSSIA—1824.

ARTICLE I

It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of

This convention, which made provision for the joint occupation of what is now the State of Oregon by the United States and Great Britain, was concluded at London October 20, 1818, and ratifications were exchanged January 19, 1819. By a convention concluded August 6, 1827, the provisions of this article were extended and continued in force, with a proviso that either of the contracting parties should have the right, on giving twelve months' notice to the other contracting party, to annul and abrogate the agreement.

That resolution, approved April 27, 1846, authorized the President to give twelve months' notice for the abrogation of the joint occupation, that the Oregon territory "no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and to the confusion and conflict of national jurisdictions, dangerous to the cherishing and good understanding of the two countries;" "and that the governments of both countries be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the questions and disputes in regard to the said territory."

That convention, which made provision for regulating fishing and trading on the coast, fixed the line $54^{\circ} 40'$ as the northern boundary claimed by the United States. It was concluded at St. Petersburg April 5-17, 1824, ratified by the United States January 12, 1825.

the summer of the present year, and in the autumn of the following year, any establishment, such as a fort, in any of the islands adjacent to the coast, north of forty minutes of north latitude; and no fort shall be none formed by Russian subjects in Russia, south of the same parallel.

ARTICLE IV

It is, nevertheless, understood that, counting from the signature of the present Convention, both Powers, or which belong to their respective subjects, may reciprocally frequent, without restriction, the interior seas, gulfs, harbors, and creeks, mentioned in the preceding article, for the purpose of commerce with the natives of the country.

ARTICLE V

All spirituous liquors, fire-arms, other arms, and munitions of war of every kind, are always excepted from the commerce permitted by the preceding article. The two Powers engage, reciprocally, neither to sell, nor suffer to be sold, to natives by their respective citizens and subjects, nor to those who may be under their authority. It is likewise understood that no restriction shall never afford a pretext, nor be used to authorize either search or detention of the vessels, or the merchandize, or, in fine, any measures of constraint against the merchants or the crews who may carry on the commerce. The high contracting Powers reciprocally reserve the right to determine upon the penalties to be incurred, and to be applied in case of the contravention of this article by their citizens or subjects.

* * * *

Secretary of State, and His Majesty's
Minister Plenipotentiary to the United States,

have agreed upon the following articles:

ARTICLE I

From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean: *Provided, however,* That the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

ARTICLE II

From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the said Company, from the point where the said branch meets the main stream of the said river, and thence down the said main stream to the ocean, with the right to go into and through the said river or rivers, it being understood that all the usual portages along the line thus described shall, in all manner, be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, understood that nothing in this article shall be construed as

This Treaty was concluded at Washington June 15, 1846, ratifications were deposited July 17, 1846, and it was proclaimed August 5, 1848.

shall be transferred to the said Government, and shall be agreed upon between the parties.

ARTICLE IV.

The present treaty shall be ratified by the United States, by and with the advice and consent of the Senate, by Her Britannic Majesty; and the ratifications shall be deposited at London, at the expiration of six months, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their respective Governments.

Done at Washington the fifteenth day of July, in the year of our Lord one thousand eight hundred and forty-eight.

JAMES K. POLK
RICHARD B. SEARLES

THE TERRITORIAL GOVERNMENT OF OREGON

[THIRTIETH CONGRESS, FIRST SESSION.]

An Act to establish the territorial government of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the passage of this act, all that part of the United States which lies west of the summit of the

* See also the acts to authorize extension of session, May 4, 1850; and to fix the seat of government, May 4, 1852.

A provisional government was established in Oregon, with grants from the United States, and a constitution was adopted, which was recognized. General Joseph Lane, the first governor, arrived, and, by proclamation, put the territorial government in operation, March 3, 1849.

shall be appointed and hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory, and be commander-in-chief of the militia thereof, shall perform and receive the emoluments of superintendent of Indian Affairs, may grant pardons and respites for offences against the laws of said Territory, and reprieve for offences against the laws of the United States, until the decision of the President can be made thereon; he shall commission all officers who shall be appointed under the laws of the said Territory, where, by law, such commissions shall be required, and shall take care that the laws be faithfully executed.

And be it further enacted, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence, semi-annually, on the first day of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and the Speaker of the House of Representatives, for the use of Congress. And in case of the death, removal, resignation, or expiration of the governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or absence, until another governor shall be duly appointed and qualified to fill such vacancy.

...to support the ...
...of the United States, or ...
...shall be ...
...for the period of six months ...
...That no person ...
...shall ever be ...
...in said Territory. ...
...be it further enacted, That the legislative ...
...shall extend to all rightful subjects of legislation ...
...with the constitution and laws of the United States ...
...shall be passed interfering with the primary disposal ...
...no tax shall be imposed upon the property of the United ...
...nor shall the lands or other property of non-residents be ...
...higher than the lands or other property of residents. All ...
...passed by the legislative assembly shall be submitted to the ...
...of the United States, and if disapproved, shall be null ...
...no effect; *Provided*, That nothing in this act shall be con-
...to give power to incorporate a bank, or any institution with ...
...powers, or to borrow money in the name of the Ter-
...or to pledge the faith of the people of the same for any ...
...whatever, either directly or indirectly. No charter granting ...
...privileges of making, issuing, or putting into circulation any ...
...bills in the likeness of bank-notes, or any bonds, scrip, ...
...bills of exchange or obligations, or granting any other bank-
...powers or privileges, shall be passed by the legislative assembly; ...
...the establishment of any branch or agency of any such cor-
...derived from other authority, be allowed in said Territory; ...
...said legislative assembly authorize the issue of any obli-
...scrip, or evidence of debt by said Territory, in any mode ...
...whatever, except certificates for services to said Territory; ...
...such laws, or any law or laws inconsistent with the provisions ...
...shall be utterly null and void; and all taxes shall be equal ...
...term, and no distinction shall be made in the assessments ...
...different kinds of property, but the assessments shall be ...
...to the value thereof. To avoid improper influences which ...
...from intermixing in one and the same act such things as

...and in person or by a duly authorized agent, and shall be assigned them. The jurisdiction herein provided for, both appellate and probate courts and of justices of the peace. *Provided*, That justices of the peace shall not hear any case in which the title to land shall in any way be involved, or where the debt or damages claimed shall exceed two thousand dollars; and the said supreme and district courts, in addition to their chancery as well as common-law jurisdiction, shall appoint its clerk, register in chancery, and shall keep his office at the court may be held. Writs of error, bills of exception, shall be allowed in all cases from the final decision of the courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court trial by jury be allowed in said court. The said supreme court justices thereof, shall appoint its own clerk, and shall hold his office at the pleasure of the court for so long as he has been appointed. Writs of error and appeals from the decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy as ascertained by the oath or affirmation of either party or competent witness, shall exceed two thousand dollars; and where the Constitution of the United States, or any law, or a treaty of the United States, is brought in question.

and until his successor shall be appointed, shall be removed by the President, and who shall be removed from the said courts, when exercising their duties, shall be subject to the same regulation and penalties, as were provided by law for the magistrates of the district court of the United States for the present State of Wisconsin; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

And be it further enacted, That the governor, secretary, chief justice and associate justices, attorney, and marshal, shall be appointed, by and with the advice and consent of the senate, by the President of the United States. The governor and secretary, when appointed as aforesaid, shall, before they act as such, take an oath or affirmation, before the district judge, or some judge of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force in said Territory, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified and recorded by the said secretary among the proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said governor, or some judge or justice of the peace of the Territory, duly commissioned and qualified; which said oath or affirmation shall be certified and transmitted by the person taking

...shall hold his seat only during the first session of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner as the governor shall appoint and direct; of which, and the time, place, and manner of holding such elections, he shall give at least ten days' notice by proclamation; and at all subsequent elections the time, places, and manner of holding the elections shall be determined by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate of election shall be given accordingly. The Delegate from said Territory shall not be entitled to receive more than twenty-five hundred dollars in any one session of Congress, as a compensation for his services in going to and returning from the seat of government of the United States, any act of Congress to the contrary notwithstanding.

And he is further enacted, That a Delegate to the House of Representatives of the United States, to serve for the term of one year, shall be a citizen of the United States, may be elected by the qualified electors of the Territory, who shall be entitled to the same rights and privileges as have been heretofore enjoyed and enjoyed by the Delegates from the several other Territories of the United States to the said House of Representatives. That the Delegate first elected shall hold his seat only during the first session of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner as the governor shall appoint and direct; of which, and the time, place, and manner of holding such elections, he shall give at least ten days' notice by proclamation; and at all subsequent elections the time, places, and manner of holding the elections shall be determined by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate of election shall be given accordingly. The Delegate from said Territory shall not be entitled to receive more than twenty-five hundred dollars in any one session of Congress, as a compensation for his services in going to and returning from the seat of government of the United States, any act of Congress to the contrary notwithstanding.

And be it further enacted, That the collector of said district shall be allowed a compensation of one thousand dollars per annum, and the fees allowed by law; and the compensation of any surveyors appointed in pursuance of this act shall not exceed five hundred dollars per annum, including in said sum the fees allowed by law; and the amount collected by any of said surveyors, for fees in any one year, exceeding the sum of five hundred dollars, shall be retained for and paid into the Treasury of the United States.

And be it further enacted, That the revenue laws of the United States be, and are hereby, extended over the Territory of Oregon.

And be it further enacted, That the sum of fifteen thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury, for the construction of light-houses at Cape Disappointment and New Dunginess; and for the construction and anchoring of the requisite number of buoys, to mark the channels at the mouth of the Columbia River, and the entrance to the harbor of Astoria; the said buoys to be placed and maintained under the direction of such persons as the Secretary of the Treasury shall appoint.

Approved, August 14, 1848.

shall be bounded by a line beginning at the west end of the line of north latitude intersecting the distance from the line of the coast, including all islands within the distance, to a point due west and opposite the mouth of the Columbia River; thence easterly to the said river, and, where it is divided, to the widest channel thereof, to a point on the forty-sixth parallel of north latitude; thence on said parallel to the middle of the mouth of the Snake River; thence up the middle of the river to the mouth of the Owyhee River; thence to the latitude forty-two degrees north; thence to the place of beginning, including jurisdiction of cases upon the Columbia River and Snake River, States and Territories of which those rivers are common with this State.

SEC. 2. *And be it further enacted*, That the said rivers and waters bordering on the said State shall form a common boundary to said State or States now or hereafter to be formed on and said rivers and waters, and all the navigation shall be common highways and forever free, to the citizens of said State as to all other citizens of the United States, without any tax, duty, impost, or toll therefor.

SEC. 3. *And be it further enacted*, That until the apportionment of Representatives, the State of Oregon shall be entitled to one Representative in the Congress of the United States.

SEC. 4. *And be it further enacted*, That the said Territory be, and the same are hereby, offered to the said State, for their free acceptance or rejection, which, if accepted, shall be ceded to the United States and upon the said State.

...the said State of Oregon shall direct. *Provided*, That the said State shall not be bound to pay any sum of money out of the said proceeds of sales of said lands, which is now vested in the said State, which may be hereafter confirmed or otherwise to the said State, shall by this article be granted to the said State five per centum of the net proceeds of sales of all lands within said State which shall be sold by Congress within said State into the Union, after deducting all the expenses of the same, shall be paid to said State, for the purpose of roads and internal improvements, as the legislature may direct. *Provided*, That the foregoing propositions, hereinbefore set forth, on the condition that the people of Oregon shall provide for the same, irrevocable without the consent of the United States, and that the State shall never interfere with the primary disposal of the same by the United States, or with any regulations which may be and necessary for securing the title in said soil to bona fide purchasers thereof; and that in no case shall non-resident proprietors be favored higher than residents. Sixth, And that the said State shall not tax the lands or the property of the United States in said State. *Provided, however*, That in case any of the lands hereinbefore mentioned to the State of Oregon have heretofore been confirmed to the said State of Oregon for the purposes specified in this act, the amount of the same shall be deducted from the quantity specified in this act. *And be it further enacted*, That, until Congress shall otherwise direct, the residue of the Territory of Oregon shall be, and is hereby incorporated into and made a part of the Territory of Wash-

February 14, 1859.

...extended from one to three years by the act approved Decem-

Sec. 82. While the Legislature shall have the power to regulate the immigration to this State, and to naturalize the citizens of the United States.

Sec. 83. No tax or duty shall be levied on the people or their representatives in the Legislature. The taxation shall be equal and uniform.

Sec. 84. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Sec. 85. There shall be neither slavery nor involuntary servitude in the State, otherwise than as a punishment for crime, where the party shall have been duly convicted.

Sec. 86. No free negro or mulatto, not free at the time of the adoption of this Constitution, shall own or hold any real estate within this State, or hold any real estate, or maintain any suit therein; and the Legislature shall provide by penal laws for the removal by the State of negroes and mulattoes, and for their punishment, and for the punishment of persons who bring them into the State, or employ or harbor them.

ARTICLE II

SUFFRAGE AND ELECTIONS

SECTION 1. All elections shall be free and open.

SEC. 2. In all elections not otherwise provided for by the Constitution, every white male citizen of the United States, twenty-one years and upwards, who shall have resided during the six months immediately preceding such election, every white male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States and shall have resided in this State during the six months immediately preceding such election, and shall have taken the oath to become a citizen of the United States one year before such election, conformably to the laws of the United States.

The powers of the government shall be divided into three departments, the legislative, the executive, and the judicial; and no person shall exercise powers under one of these departments and be eligible to another, except as in this constitution provided.

ARTICLE III

LEGISLATIVE DEPARTMENT

SECTION 1. The legislative authority of the State shall be vested in the legislative assembly, which shall consist of senators and representatives. The style of every bill shall be, *Be it enacted by the legislative assembly of the State of Ohio*, and no bill shall be enacted except by bill.

SEC. 2. The senate shall consist of sixteen senators, and the house of representatives of thirty-four members, which may be increased until the year eighteen hundred and eighty, and the legislative assembly may increase the number of representatives, always keeping as near as may be the number of senators and representatives: The senate shall never exceed thirty and the house of representatives shall never exceed thirty-four members.

SEC. 3. The senators and representatives shall be elected by the electors of the respective counties or districts, and the boundaries may, from time to time, be divided by law.

SEC. 4. The senators shall be elected for three years, and the representatives for the term of two years, after their general election: *Provided, however,* that at the first session of the legislative assembly the election shall be divided by lot into two equal classes, and the seats of senators of the first class shall expire in two years, and those of the second

...to a member of the
...shall be charged with
...in creating...
...shall be a member of...
...is not a citizen of the United States...
...has not been, for one year next preceding his election...
...of the county or district whence he may be chosen...
...representatives shall be at least twenty-one years of age...
...and representatives in all cases, except for treason...
...branches of the peace, shall be privileged from arrest...
...of the legislative assembly, and in going to and...
...the same, and shall not be subject to any civil process...
...of the legislative assembly, nor during the session...
...the commencement thereof. Nor shall a member...
...entered in debate in either house, be questioned in any...

The sessions of the legislative assembly shall be held in the capital of the State, commencing on the second Monday of January in the year eighteen hundred and fifty-eight, and on the first day of every second year thereafter, unless a different day shall be appointed by law.

Each house, when assembled, shall choose its own officers, and determine the election, qualifications, and returns of its own members; shall make its own rules of proceeding, and sit upon its own adjournments. Neither house shall, without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

Two-thirds of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and supply the attendance of absent members. A quorum being in either house, if either house fail to effect an organization within the time thereafter, the members of the house so failing shall

Sec. 17. Each house shall have the right to determine the rules of its proceedings, but such regulations shall not be inconsistent with the constitution.

Sec. 18. Bills may originate in either house, but no bill shall be introduced or rejected in the other, except that bills which originate in the house of representatives may be introduced in the senate.

Sec. 19. Every bill shall be read by title in each house, unless, in case of emergency, where such bill may be depending shall be deemed it expedient to dispense with this rule, in which case the bill shall be read by sections on its final passage shall in no case be passed by the vote on the passage of every bill or joint resolution by yeas and nays.

Sec. 20. Every act shall embrace but one subject, and shall be so connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an act the subject of which is expressed in the title, such act shall be valid notwithstanding that the title thereof as shall not be expressed in the title.

Sec. 21. Every act and joint resolution shall be so framed as to avoid, as far as practicable, the use of technical terms.

Sec. 22. No act shall ever be revised or amended in any way, except as to its title; but the act revised or section amended shall be published at full length.

Sec. 23. The legislative assembly shall not pass laws in any of the following-enumerated cases:

Regulating the jurisdiction and duties of justices of the peace or of constables;

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying, opening, and working on highways, or for the appointment of supervisors;

Vacating roads, town-plats, streets, alleys, and public places;

Summoning and impaneling grand and petit juries.

Sec. 17. Each house shall be the legislative department of the state.

Sec. 18. Bills may originate in either house, or be rejected in the other, except that bills shall originate in the house of representatives.

Sec. 19. Every bill shall be read by title in each house, unless, in case of emergency, where such bill may be depending and the house deem it expedient to dispense with this rule, by sections on its final passage shall in no case be the vote on the passage of every bill as taken by yeas and nays.

Sec. 20. Every act shall embrace but one subject, and every subject shall be embraced in one act, and shall be so expressed in the title, such act shall be passed and shall not be expressed in the title.

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Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying, opening, and working on highways, or appointment of supervisors;

Vacating roads, town-plats, streets, alleys, and

Summoning and impaneling grand and petit juries.

of the members of the legislative assembly shall receive for every bill or joint resolution passed by the assembly a certificate of passage, which shall be signed by the presiding officer of the assembly.

Any member of either house shall have the right to object to the passage of any bill or joint resolution, with his reasons for doing so, recorded in the journal of the assembly.

Every statute shall be a public law, unless otherwise provided in the statute itself.

Every statute shall take effect until ninety days from the date on which the same shall have been passed, except in cases of emergency, which emergency shall be declared in the preamble of the law.

The members of the legislative assembly shall receive for each session a sum not exceeding three dollars a day from the treasury of the state; but such pay shall not exceed in the aggregate one hundred and twenty dollars for per diem allowance for any session.

Members called in extra session by the governor, they shall receive for each day a sum not exceeding three dollars; but no extra session shall continue for a longer period than twenty days. They shall also receive the sum of three dollars for every twenty miles they shall travel in going to and returning to their place of meeting on the most usual route. The members of the assembly shall, in virtue of their office, receive the same compensation equal to two-thirds of their per diem allowance as members.

No senator or representative shall, during the time for which he may have been elected, be eligible to any office the election of which is vested in the legislative assembly, nor shall be appointed to any office of profit which shall have been created, or the emolument of which shall have been increased, during such term; but this provision shall not be construed to apply to any officer elected by the people.

The members of the legislative assembly shall, before they enter upon the duties of their respective offices, take and subscribe the oath or affirmation: "I do solemnly swear [or affirm, as the case may be] that I will support the Constitution of the United States, the constitution of the State of Oregon, and that I will faithfully discharge the duties of senator [or representative, as the case may be]."

Sec. 4. The governor shall be elected by the people of this State at the times and places of election determined by law; and the returns of such election shall be sealed up and transmitted to the secretary of state, who shall deliver them in the presence of both houses of the legislature.

Sec. 5. The person having the highest number of votes shall be elected; but in case two or more persons shall have the highest number of votes for governor, the legislative assembly, at the next regular session, shall, with, by joint vote, proceed to elect one of them.

Sec. 6. Contested elections for governor shall be decided by the legislative assembly in such manner as may be provided by law.

Sec. 7. The official term of the governor shall commence at such times as may be provided by law or prescribed by law.

Sec. 8. In case of the removal of the governor by death, resignation, or inability to discharge the duties of his office, the same shall devolve on the secretary of state; and in case of the removal from office, death, resignation, or inability of the secretary of state, the president of the senate shall act as secretary of state until the disability be removed or a governor be elected.

Sec. 9. The governor shall be commander-in-chief of the land and naval forces of this State, and may call out the militia to execute the laws, to suppress insurrection, or to repel invasion.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. He shall, from time to time, give to the legislature information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

Sec. 12. He may, on extraordinary occasions, convene the legislative assembly by proclamation, and shall state to both houses assembled, the purpose for which they shall have been convened.

Sec. 13. He shall transact all necessary business of the government, and may require information in writing from any officer or agent of the government.

...shall be entered on the journal of each house. If any bill shall not be returned by the governor within five days, Sunday excepted, after it shall have been presented to him, it shall be a law without his signature, unless the governor shall prevent its return; in which case it shall be a law without his signature, within five days next after the adjournment of the assembly, shall file such bill, with his objections thereto, in writing, to the secretary of state, who shall lay the same before the assembly at its next session, in like manner as if it had been returned by the governor.

When, during a recess of the legislative assembly, a vacancy shall happen in any office the appointment to which is vested in the legislative assembly, or when at any time a vacancy shall have occurred in any other State office, or in the office of judge of any court, the governor shall fill such vacancy by appointment, which shall continue until a successor shall have been elected and qualified. The governor shall issue writs of election to fill such vacancies as may occur in the legislative assembly. All commissions shall issue in the name of the State, shall be signed by the governor, sealed with the seal of the State, and countersigned by the secretary of state.

ARTICLE VI

ADMINISTRATIVE DEPARTMENT

There shall be elected by the qualified electors of the State, at the same time and places of choosing members of the legislative assembly,

Sec. 4. There shall be elected by the electors thereof, at the time of the election, a clerk, treasurer, sheriff, coroner, and such other officers as may be necessary, who shall hold office for the term of two years.

Sec. 7. Such other county, township, or city officers as may be necessary shall be elected in such manner as may be prescribed by law.

Sec. 8. No person shall be elected to any office who shall not be an elector of the precinct in which he shall hold office, and city officers shall hold office in the places therein, and perform such duties as may be prescribed by law.

Sec. 9. Vacancies in county, township, or city offices shall be filled in such manner as may be prescribed by law.

ARTICLE VII

JUDICIAL DEPARTMENT

SECTION 1. The judicial power of the State shall be vested in the supreme court, circuit courts, and county courts, of record, having general jurisdiction, to be regulated by law, in accordance with this article. The peace may also be invested with limited jurisdiction, and municipal courts may be created to administer justice in incorporated towns and cities.

SEC. 2. The supreme court shall consist of three justices, chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the State three years next preceding their election, and shall continue to reside in their respective districts.

The number of justices and districts may be increased, but not exceed five until the white population of the State shall reach one hundred thousand, and shall never exceed five. The boundaries of districts may be changed, but no change shall have the effect to remove a judge from his district, or to change his residence without his consent.

...shall be one term at the seat of government, and at the close of each term the judges shall file with the clerk of the court written statements of the decisions made by them. The circuit court shall be held twice at least in each year, and shall be organized for judicial purposes by one of the judges of the supreme court, at times to be appointed by law; and circuit judges may be appointed by the judges severally in cases of absence.

All judicial power, authority, and jurisdiction not vested in the constitution, or by laws consistent therewith, exclusively in the supreme court, shall belong to the circuit courts; and they shall exercise full jurisdiction and supervisory control over the county courts and all other inferior courts, officers, and tribunals.

When the white population of the State shall amount to two hundred thousand, the legislative assembly may provide for the election of supreme and circuit judges in distinct classes, one of which shall consist of three justices of the supreme court, who shall not perform circuit duty; and the other class shall consist of the necessary number of circuit judges, who shall hold full judicial office, allotment, and who shall take the same oath as the judges of the supreme court.

There shall be elected in each county, for the term of four years, a county judge, who shall hold the county court at times to be appointed by law.

The county court shall have the jurisdiction pertaining to the courts and boards of county commissioners, and such other business as may be committed to it by law, and such civil jurisdiction not exceeding the value of five hundred dollars, and such criminal jurisdiction as may be committed to death or imprisonment in the penitentiary, as may be provided by law. But the legislative assembly may provide for the election of two commissioners to sit with the county judge in transacting county business in any or all the counties, or may provide a separate board for transacting such business.

A county judge may grant preliminary injunctions, and may exercise such powers as the legislative assembly may authorize him.

Sec. 17. There shall be in each of the counties, a sufficient number of judges of the law-officers of the State, and of the districts, and shall perform such duties of law and general police as may be required.

Sec. 18. The legislative assembly shall be competent of the permanent citizens of the State; jurors; and out of the whole number of jurors shall be drawn by lot as grand jurors to find an indictment; but the legislative assembly shall not establish grand juries.

Sec. 19. Public officers shall not be liable to corruption, malfeasance, or delinquency in the same manner as criminal offences, and shall be removed from office, and such further punishment as may be prescribed by law.

Sec. 20. The governor may remove from office any judge of the supreme court, or prosecuting attorney, upon the resolution of the legislative assembly, in which two-thirds of each house shall concur, for incompetency, or delinquency in office, or other sufficient cause.

Sec. 21. Every judge of the supreme court, before entering upon the duties of his office, shall take and subscribe before the secretary of state, the following oath:

"I, ———, do solemnly swear [or affirm] that I will support the Constitution of the United States and the constitution of Oregon, and that I will faithfully and impartially perform the duties of a judge of the supreme and circuit courts according to the best of my ability, and that I will not accept of any office except judicial offices during the term for which I am elected."

of all the members of the
house shall have the right
to present a bill

joint resolution
signed by the members

house shall have the right
to present a bill

public law, unless it shall
have been passed by the

have been passed by the
declared in the preamble of the

from the aggregate
for any

and of

twenty
longer
three

the duties as may be
no part of the university
shall be expended until the
on of this constitution, unless the
by the consent of Congress, for

ARTICLE IX

FINANCE

legislative assembly shall provide by law for a uni-
rate of assessment and taxation, and shall prescribe
as shall secure a just valuation for taxation of all

Sec. 2. All militia shall be armed with the lowest arms which may be prescribed by law: but the legislative assembly shall be authorized in furnishing such stationary.

SECTION 1. The militia of this State shall consist of all male citizens between the ages of eighteen and thirty, or such persons as now are, or hereafter may be, of the United States, or of this State.

SEC. 2. Persons whose religious tenets forbid them to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 3. The governor shall appoint the major-general, and other chief officers of the general staff, and the officers of the line shall be elected by the militia in their respective districts.

SEC. 4. The majors-general, brigadiers-general, and commandants of regiments, battalions, or squadrons, shall appoint their staff-officers, and the governor shall appoint the officers of the line and staff ranking as such.

SEC. 5. The legislative assembly shall fix the number of divisions, brigades, and companies, and make all other needful regulations.

the State shall never assume the debts of any company, corporation, or association whatever, unless such debts shall have been incurred in repelling invasion, suppressing insurrection, or defending the State.

The State shall not subscribe to, or be interested in, the capital stock of any company, corporation, or association whatever, or loan its credit to or in aid of any such company, corporation, or association. The State shall not create any debts or liabilities which shall, in the aggregate, exceed the sum of five thousand dollars, except for the purpose of repelling invasion, suppressing insurrection, or defending the State; and every contract or agreement for the loan of money, or the creation of any debt or liability, in excess of the sum of five thousand dollars, shall be void.

The State shall never assume the debts of any company, corporation, or association whatever, unless such debts shall have been incurred in repelling invasion, suppressing insurrection, or defending the State.

No county, city, town, or other municipal corporation, by contract or otherwise, shall become a stockholder in any company, corporation, or association whatever, or raise or loan its credit to or in aid of any such company, corporation, or association.

No county shall create any debts or liabilities which shall, in the aggregate, exceed the sum of five thousand dollars, except for the purpose of repelling invasion, suppressing insurrection, or repel invasion; but the debts of any county at the time this constitution takes effect shall be discharged, and the sum to which such county is limited.

of officers, if not less than

SECTION 1. The legislative assembly shall establish a permanent seat of government, and shall hold its regular session after the adoption of the constitution. The assembly shall provide by law for the location of the seat of this State, at the next general election, and the place of selection of a place for a permanent seat of government shall ever be the seat of government, and the place shall receive a majority of all the votes cast on the subject.

SEC. 2. No tax shall be levied, or money borrowed, or debt contracted for the erection of a State building, until eighteen hundred and sixty-five.

SEC. 3. The seat of government, when established by section one, shall not be removed for the term of the time of such establishment, nor in any other manner provided in the first section of this article: and all the institutions of the State hereafter provided for by the assembly shall be located at the seat of government.

ARTICLE XV

MISCELLANEOUS

SECTION 1. All officers, except members of the assembly, shall hold their offices until their successors are elected.

SEC. 2. When the duration of any office is not otherwise provided for, it shall be for the term of four years.

...shall provide by law for the...
...the State provided.

Section XVI

Boundaries

...that the boundaries of the State shall be...
...the hereby ordained and declared that the...
...be bounded as follows, to-wit: Beginning one mile...
...west from the point where the forty-second parallel...
...intersects the same; thence northerly to the...
...line of the coast, lying west and opposite the...
...islands within the jurisdiction of the United States...
...west and opposite the middle of the north...
...River; thence easterly to and up the middle...
...where it is divided by islands, up the middle of the...
...thereof, and in like manner up the middle of the...
...River to the mouth of the Owyhee River; thence...
...the parallel of latitude forty-two degrees north; thence...
...parallel to the place of beginning, including...
...and criminal cases upon the Columbia River and...
...concurrently with States and Territories of which those...
...boundary in common with this State. But the Con-
...United States, in providing for the admission of this...
...may make the said northern boundary conform...
...the Territory of Washington.

SEC. 1. If the act of Congress, passed March 2, 1857, shall be approved, the election for or against the constitution and amendments of said constitution, by the legislative assembly, or of the constitution and amendments shall be proposed.

ARTICLE II.

SECTION 1.

SECTION 1. For the purpose of submitting to the State for the acceptance or rejection of the constitution shall be held on the second Monday of March, 1857, to be conducted according to the provisions of the act of Congress, so far as the same may otherwise be provided.

SEC. 2. Each elector who offers to vote shall be asked by the judges of election this question:

"Do you vote for the constitution—yes or no?"

And also this question:

"Do you vote for slavery in Oregon—yes or no?"

And also this question:

"Do you vote for free negroes in Oregon—yes or no?"

And in the poll-books shall be columns headed "Constitution—Yes;" "Constitution—No;" "Free negroes—No;" "Slavery—Yes;" "Slavery—No;" and the names of the electors shall be entered in the poll-books, together with the answers to the said questions under their appropriate headings. The votes transmitted to the secretary of the government shall be publicly opened, and canvassed by the governor, or either of them, in the absence of the other; and in his absence, the secretary, shall forthwith issue a certificate of the result of the canvass.

remain to the county, local government shall not be affected by such change.

Sec. 11. Until otherwise provided by law, the State shall be constituted as follows: Josephine, and Douglas shall constitute the first district; Umpqua, Coos, and Curry, the second district. The counties of Clatsop, Washington shall constitute the third district; Clackamas, Multnomah, Wasco, Columbia shall constitute the fourth district; and the county of Clatsop shall be attached to the county of Clatsop.

Done in convention, at Salem, the eighth day of the month of June, in the year of our Lord one thousand eight hundred and twenty-two, and of the Independence of the United States the thirty-eighth.

CHESTER N. TERRY, *Secretary.*

M. C. BARKWELL, *Assistant Secretary.*

AMENDMENT OF THE CONSTITUTION OF THE STATE OF OREGON

Section 1 of article IV of the Constitution shall be, and hereby is, amended to read as follows:

"SECTION 1. The legislative authority of the State shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves the right to propose and amendments to the constitution and to amend the same."

^aAdopted by the twentieth legislative assembly; adopted by the legislative assembly; adopted by the people, by vote taken at the election of June 2, 1902.

...shall be the basis on which the people
...to sign such petition shall be counted
...for the initiative and for the referendum
...of state, and in submitting the same to the
...other officers, shall be guided by the provisions
...this amendment, until legislation shall be
...thereof."

(June 4, 1906)

...the Constitution of the State of Oregon shall be
...by inserting the following section in and after
...1, and before section 2, and it shall be designated
...as section 1a of article IV:

The referendum may be demanded by the people
...more items, sections, or parts of any act of the legis-
...in the same manner in which such power may be
...a complete act. The filing of a referendum peti-
...one or more items, sections, or parts of an act shall
...remainder of that act from becoming operative. The
...referendum powers reserved to the people by this
...hereby further reserved to the legal voters of every
...district, as to all local, special, and municipal
...every character, in or for their respective municipali-
...The manner of exercising said powers shall be
...general laws, except that cities and towns may provide
...of exercising the initiative and referendum powers
...municipal legislation. Not more than ten per cent of

of every land, water, and other interest, and of every right, privilege, and authority, owned by or held for the use of the United States, and a satisfactory title to all of said property.

The President is hereby authorized to acquire, for and on behalf of the United States, as he may deem reasonable, perpetual control of the territory of the Republic of Colombia, not less than six miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereof, to construct, and to perpetually maintain, operate, and improve a canal, of such depth and capacity as will afford passage to ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Canal, the ownership thereof, or a controlling interest therein, and the right acquired by the United States, and also jurisdiction over the ports at the ends thereof to make such police regulations and regulations as shall be necessary to preserve the public health thereon, and to establish such other rules and regulations as may be agreed upon thereon as may be necessary.

The President may acquire such additional territory and rights as he in his judgment will facilitate the general purpose of this act.

When the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company,

Section 1. That should the United States a satisfactory canal be constructed by the Canal Company and the Government of the Republic of Colombia and the rights of navigation of this Act, within a reasonable time, the President, having first obtained the control by treaty of the necessary territory in Nicaragua, upon terms which he may deem proper for the construction, perpetual maintenance, operation, and use of a canal connecting the Caribbean Sea with the Pacific Ocean, is commonly known as the Nicaragua route, the President shall cause to be constructed a ship canal and waterway from a point on the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point on the Pacific Ocean. Said canal shall be of sufficient depth to afford convenient passage for vessels of the largest and greatest draft now in use, and such as may be required, and shall be supplied with all necessary facilities to meet the necessities of vessels passing from the ocean to ocean; and he shall also construct necessary harbors at the termini of said canal as shall be required for the safe and convenient use thereof, and shall make such military defense as may be necessary for the safety and protection of the harbors and canal; and such sum or sums of money as may be required upon by such treaty as compensation to be paid to the Republic of Costa Rica for the concessions and rights heretofore acquired by the United States, are hereby appropriated, and shall be paid out of money in the Treasury not otherwise appropriated, by warrant or warrants drawn by the President.

...the four at least one shall be a member of the
...and at least one other shall be a member of the
...the said officers respectively shall be
...list of the Army or of the Navy
...which receive such compensation as the President
...shall have been otherwise fixed by law
...to the members of said Institute. It is
...is hereby authorized through and through
...service any of the engineers of the United States
...and likewise to employ any engineers, assistants
...and any other persons necessary for the
...prosecution of said work. The compensation of all
...and other persons employed under this Act shall be
...in submission, subject to the approval of the President
...of any officer appointed or employed under this
...deducted from the amount of salary or compensation
...which shall be fixed under the terms of this Act.
...shall in all matters be subject to the direction and
...President, and shall make to the President annually
...periods as may be required, either by law or by the

payable quarterly, or at such other intervals as may be determined by the Board of Directors; and the bonds may be sold in such form by or under State authority as may be determined by the Board of Directors. That said bonds may be disposed of at not less than par, under such conditions as may be determined by the Board of Directors, and a sum not exceeding one-tenth of the bonds herein authorized is hereby authorized to be expended out of the money in the Treasury not otherwise appropriated for the expense of preparing, advertising, and selling the same.

Approved, June 28, 1902.

ISTHMIAN CANAL CONVENTION

Convention between the United States and the Republic of Colombia for the construction of a ship canal to connect the Atlantic and Pacific oceans. Signed at Washington, D. C., December 2, 1903; ratification advised by the Senate, February 25, 1904; ratified by the President, February 25, 1904; ratifications exchanged at Washington, D. C., February 26, 1904; proclaimed, February 26, 1904.

The United States of America and the Republic of Colombia, desirous to insure the construction of a ship canal

* In this connection the following resolutions are referred to: Resolution of February 25, 1867; to fix upon terms upon which a canal across the Isthmus might be obtained by the United States; Resolution of March 2, 1867,

of Panama grants to the United States all the rights and property within the zone mentioned and described in the said agreement and within the limits of all auxiliary canals and other works necessary for the construction, maintenance, operation, sanitation and protection of the said enterprise; the said zone beginning in the Canal Zone from mean low water mark and extending from mean low water mark with the Canal Zone from Panama and Colon and the harbor entrance to the Canal Zone included within the boundaries of the zone; but not be included within this grant. The Republic of Panama grants to the United States in perpetuity the right of control of any other lands and waters outside of the Canal Zone which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone mentioned and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naco, Culebra and Flamenco.

ARTICLE III

The Republic of Panama grants to the United States all the rights and property within the zone mentioned and described in the said agreement and within the limits of all auxiliary

the Republic of Panama and the United States the right and authority to enforce the laws and authority are granted to the United States in the Republic of Panama and in the ports adjacent thereto in case the laws of the Republic of Panama are not be, in the judgment of the United States, in order.

ARTICLE VIII

The Republic of Panama grants to the United States all rights which it now or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the Panama Canal Company to sell and transfer to the United States the rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of the same, but the public lands situated outside of the zone defined in Article II of this treaty now included in the concessions for enterprises and not required in the construction or operation thereof shall revert to the Republic of Panama except any lands now owned by or in possession of said companies within the zone or the ports or terminals thereof.

which in each port shall be subject to inspection by the United States Customs and Guards as to the origin of the goods and to the destination of the cargoes destined to that port, and to the prohibition of the transshipment of goods to the coast trade. The United States shall have the right to use the towns and harbors of Panama for the storage, and for making repairs, for the transshipment of cargoes either in transit through the Canal and for other works pertaining to the Canal.

ARTICLE X

The Republic of Panama agrees that no taxes, national, municipal, departmental or otherwise, shall be levied upon the Canal, the railways and auxiliary works, the vessels employed in the service of the Canal, the offices, quarters for laborers, factories, wharves, machinery and other works, pertaining to the Canal or railroad and auxiliary works, employees, situated within the cities of Panama. There shall not be imposed contributions or charges of any kind upon officers, employees, laborers or individuals in the service of the Canal and railroad.

ARTICLE XI

The United States agrees that the official department of the Republic of Panama shall be transported by graph and telephone lines established for canal, public and private business at rates not higher than those from officials in the service of the United States.

ARTICLE XII

The Government of the Republic of Panama agrees to grant free access to the lands and works of the Canal and its auxiliary works of all employees and workers.

they shall be subject to the laws and regulations of the United States in respect to the importation of goods and merchandise.

ARTICLE XIV

As compensation for the rights, powers and jurisdiction conferred by the Republic of Panama on the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars (\$10,000,000) in cash and also an annual payment during the life of this Convention of two hundred and fifty thousand dollars (\$250,000) in cash, beginning nine years after the date aforesaid. The payments of this Article shall be in addition to all other benefits conferred by the Republic of Panama under this convention. Any dispute or difference of opinion under this Article or any other provision of this treaty shall affect or interrupt the full operation of this convention in all other respects.

ARTICLE XV

The commission referred to in Article VI shall be established as follows: The Government of the United States shall nominate two persons and the Government of the Republic of Panama shall nominate two persons who shall proceed to a decision; but in case of disagreement of the four members by reason of their being equally divided in conclusion, an umpire shall be appointed by the two Governments who shall decide the controversy. In the event of the death, absence, or incapacity of any member or Umpire, or of his omitting, declining or ceasing to act, the vacancy shall be filled by the appointment of another person in the same manner as above indicated. All decisions by a majority of the members or by the umpire shall be final.

The Canal, when constructed, shall be neutral in perpetuity, and shall be governed by Section I of Article II of the stipulations of the treaty between the United States and Great Britain...

ARTICLE XX

The Government of the Republic of Panama shall permit the free and safe transport over the Canal its vessels and crews, and shall exempt from the payment of war in such vessels at all times without payment of any fee. The exemption is to be extended to the transportation of persons in the service of the Government or of the police force charged with the maintenance of order outside of said zone, as well as to their baggage and supplies.

ARTICLE XX

If by virtue of any existing treaty in relation to the Isthmus of Panama, whereof the obligations have been assumed by the Republic of Panama, there shall be a concession in favor of the Government or the Republic or a third power relative to an interoceanic navigation which in any of its terms may be incompatible with the present convention, the Republic of Panama shall ratify such treaty in due form, for which purpose it shall notify said third power the requisite notification within six months from the date of the present convention. If the existing treaty contains no clause permitting its modification, the Republic of Panama agrees to proceed to its annulment in such form that there shall not exist any stipulations of the present convention.

of the Republic of Panama at or before the consummation of the purchase of the concessions granted in or held by the said companies, and all right, title and interest which now or may hereafter have, in and to the lands, waters, property and rights held by the said companies under any contract or otherwise, and acquired or to be acquired by the said companies or through the New Panama Canal Company, shall revert to the United States, by way of gift, at the time of time, forfeiture or otherwise, revert to the Republic of Panama, under any contracts or concessions, with said Republic of Panama, the Panama Railroad Company, the Colon Railroad Company and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic of Panama secured under this treaty.

ARTICLE XXIII

Should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its land and naval forces or to establish fortifications for such purposes.

of the neutrality, and the United States shall sell or lease to the United States any naval or coaling stations on the Caribbean coast of the Republic of Panama, with the President of the United States.

Article II

This convention when signed by the contracting Parties shall be ratified by the respective Governments, and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof the respective Plenipotentiaries have signed this convention in duplicate and have affixed their respective seals.

Done at the City of Washington the 15th day of January, 1903, in the year of our Lord nineteen hundred and three.

John Hay
P. B. S. P.

TEMPORARY GOVERNMENT OF CANAL ZONE

[FIFTY-EIGHTH CONGRESS, SECOND SESSION]

An Act to provide for the temporary government of the Canal Zone of Panama, the protection of the canal works, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized, upon the acquisition of the Canal Zone by the Panama Canal Company and the payment to the Panama Canal Company of the ten millions of dollars provided for in the ratifications of which were exchanged on the 15th day of February, nineteen hundred and four, to be paid by the Government, to take possession of and occupy on the

...of the ten million dollars...
...of said treaty shall be made...
...in the third section...
...million, hundred and two, and a half...

That until the expiration of the Fifth...
...provision for the temporary government of the Canal Zone...
...made by Congress, all the military, civil, and judicial powers...
...as well as the power to make all rules and regulations necessary for...
...the government of the Canal Zone and all the rights, powers, and...
...granted by the terms of said treaty to the United States...
...shall be vested in such person or persons and shall be exercised in such...
...manner as the President shall direct for the government of said...
...Zone and maintaining and protecting the inhabitants thereof in the...
...enjoyment of their liberty, property, and religion.

Approved, April 28, 1904.

York, in that Eleventh Year, and in the
against the Dutch, for the space of
years One thousand six hundred and
thereof, of Our Special grace, we
have Given and Granted, and by Letters
Our Heires and Successors, Doe give and
William Penn, his Heires and Assignes, all
in America, with all the Islands, that
bounded on the East by Delaware River
Northwards of *New Castle Towne*, and
of Northerne Latitude, if the said River
wards; But if the said River shall not
then by the said River soe farr as it doth
of the said River, the Easterne Bounds
Meridian Line, to bee drawne from the
the said three and fortieth Degree. The
wards five degrees in longitude, to bee
Easterne Bounds; and the said Lands to bee
the beginning of the three and fortieth degree
and on the South by a Circle drawne at
New Castle Northward and Westward
fortieth degree of Northern Latitude, and
Westward to the Limitt of Longitude above
give and grant unto the said *William Penn*
the free and undisturbed use and continuance
and out of all and singuler Ports, Harbours,
Isles, and Inletts, belonging unto, or leading
trety or Islands aforesaid, And all the Soyle
underwoods, mountaines, hills, fenns, Isles,
Rivuletts, Bays, and Inletts, scituate or be
unto the Limitts and Bounds aforesaid, together
all sortes of fish, whales, Sturgeons, and all
in the Sea, Bayes, Inletts, waters, or Rivers
the Fish therein taken; And also all Veines
well discovered as not discovered, of Gold

...the said *William Penn* and his
...the Fifth Part of all Gold and Silver
...from Time to Time happen to be found, and
...of all Charges. And of this we have
...and meer motion, We have thought fit to
...the aforesaid Countrey and Islands, and
...and doe call itt *Pennsylvania*, and
...we will have itt called.

...as Wee have hereby made and ordained the afore-
...*Penn*, his heires and assignes, the true and absolute
...of all the Lands and Dominions aforesaid, know us
...That We reposing speciall trust and Confidence in the
...wisdom, Justice, and provident circumspection of the said
...for us, our heires and Successors, Doe grant free, full,
...power by vertue of these presents to him and his heires,
...and their Deputies, and Lieutenants, for the good and
...government of the said countrey, to ordeyne, make, and enact,
...his and their Seales to publish any Lawes whatsoever,
...of money for the publick use of the said Province, or
...other End, apperteyning either unto the publick state, peace,
...of the said Countrey, or unto the private utility of partic-
...persons, according unto their best discretions, by and with the
...consent, and approbation of the Freemen of the said Countrey,
...the greater parte of them, or of their Delegates or Deputies,
...for the Enacting of the said Lawes, when, and as often as
...shall require, Wee will that the said *William Penn* and his
...shall assemble in such sort and forme, as to him and them
...best, and the same Lawes duly to execute, unto and upon
...within the said Countrey and the Limitts thereof.

...wee doe likewise give and grant unto the said *William Penn*,
...and to his and their Deputies and Lieutenants, full
...authoritie to appoint and establish any Judges and
...Magistrates and Officers whatsoever, for what Causes soever,
...of wills, and for the granting of Administrations

within the precincts aforesaid and with what Power soever, and in such forme as to the said *William Penn* or his heires shall seeme most convenient: Also to remitt, release, pardon, and abolish whether before Judgement or after all Crimes and Offences whatsoever comitted within the said Countrey against the said Lawes, Treason and wilful and malicious Murder onely excepted, and in those Cases to grant Reprieves, until Our pleasure may bee known therein and to doe all and every other thing and things, which unto the compleate Establishment of Justice, unto Courts and Tribunalls, formes of Judicature, and manner of Proceedings doe belong, altho in these presents expresse mention bee not made thereof; And by Judges by them delegated, to award Processe, hold Pleas, and determine in all the said Courts and Tribunalls all Actions, Suits, and Causes whatsoever, as well Criminall as Civill, Personall, reall and mixt; which Lawes, soe as aforesaid to bee published, Our Pleasure is, and soe Wee enjoyne, require, and command, shall bee most absolute and avaylable in law; and that all the Liege People and subjects of Us, Our heires and Successors, doe observe and keepe the same inviolabl in those partes, soe farr as they concerne them, under the paine therein expressed, or to bee expressed. PROVIDED nevertheles, That the said Lawes bee consonant to reason, and bee not repugnant or contrarie, but as neare as conveniently may bee agreeable to the Lawes and Statutes, and rights of this Our Kingdome of *England*; And Saving and reserving to Us, Our heires and Successors, the receiving, heareing, and determining of the appeale and appeales of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgement to bee there made or given.

AND forasmuch as in the Government of soe great a Countrey, sudden Accidents doe often happen, whereunto itt will bee necessarie to apply remedie before the Freeholders of the said Province, or their Delegates or Deputies, can bee assembled to the making of Lawes; neither will itt bee convenient that instantly upon every such emergent occasion, soe greate a multitude should be called together: Therefore for the better Government of the said Countrey Wee will, and ordaine, and by these presents, for us, our Heires and successors, Doe Grant unto the said *William Penn* and his heires, by themselves or by their Magistrates and Officers, in that behalfe duely to bee ordeyned as aforesaid, to make and constitute fitt and wholesome Ordinances, from time to time, within the said Countrey to bee kept and observed, as well for the preservation of the peace, as for the better government of the People there inhabiting; and publickly to notifie the same to all persons, whome the same doeth or anyway may concerne. Which ordinances, Our Will and Pleasure is, shall bee observed inviolably within the said Province, under Paines therein to be expressed, soe as the said Ordinances bee consonant to reason, and bee not repugnant nor contrary, but soe farre as conveniently may bee agreeable with the Lawes of our Kingdome of *England*, and soe as the said Ordinances be not extended in any Sort to bind, charge, or take away the right or Interest of any person or persons, for or in their Life, members, Freehold, goods, or Chattles. And our further will and pleasure is, that the Lawes for regulateing and governing of Propertie within the said Province, as well for the descent and enjoyment of lands, as likewise for the enjoyment and succession of goods and Chattles, and likewise as to Felonies, shall bee

Wee will also, and by Letters under the Great Seale of our said Kingdome, Wee doe Grant and give unto the said *William Penn*, his heires and assigns, all Merchants, and dwellers in the Province of *Pennsylvania*, to import or unlade, by themselves or assigns, all merchandises and goods, and the fruites and comodities of the said *East India* Sea, into any of the ports of our said Kingdome of *England*, and not into any other ports; And wee give him full power to dispose of the same, and to unlade the same in the said ports; and if need bee, within one year of the same, to lade the said Merchandises in the same or other shippes, and to export the same in treys, either of our Dominions or foreign; provided alwayes, that they pay such customs, subsidies and duties for the same, to us, our heires, and the rest of our Subjects of our Kingdome of *England*, as shall be bound to pay; and doe observe the other Lawes in that behalfe made.

AND FURTHERMORE, of our most ample and knowledge, and meere motion, Wee doe, for our successors, Grant unto the said *William Penn*, full and absolute power and authoritie to make, within the said Province and the Isles and Lakes, soe many Sea-ports, harbours, Creeks, Harbours, places, for discharge and unladeing of goods, of the shippes, Boates, and other Vessells, and soe many Places, and with such rights, and priviledges unto the said ports belonging, as seeme most expedient; and that all and singular shippes, Boates, and other Vessells, which shall come for merchandise to the said Province, or out of the same shall be unladen onely at such Ports as shall be erected.

...the said William Penn, his heires or assigns, shall from time to time send by some of his Attorneys or Agents, to London or to some other place, some of his Attorneys or Agents, who shall make knowne the place where the said William Penn, his heires or assigns, shall be ready to appeare in person, or by his Attorney, to Answer for any Misdemeanors that shall be committed, or by any wilfull default or neglect permitted by the said William Penn, his heires or assigns, against our Lawes of Trade and Navigation: and after it shall be ascertained in any of our said Courts, what damages Wee or our heires or Successors shall have sustained by such default or neglect, the said William Penn, his heires or assigns shall pay the same within one yeare after such taxation, and charged thereof from such Attorney: or in case there shall be no such Attorney by the space of a yeare, or such Attorney shall not make payment of such damages within the space of one yeare, we reserve such other forfeitures and penalties within the said time, as by the Acts of Parliament in *England* are or shall be provided, according to the true intent and meaneing of these presents; then it shall be lawfull for us, our heires and Successors, to seize and Resume the Government of the said Province or Countrey, and the same to continue until payment shall be made thereof: But notwithstanding such seizure or resumption of the government, nothing concerning the propriety or ownership of any Lands, tenements, or hereditaments, or goods or chattels of any the Adventurers, or of the owners, other then the respective Offenders there, shall be affected or molested thereby.

And wee alwayses, and our will and pleasure is, that neither the said William Penn, nor his heires, or any other the inhabitants of the said Province, shall at any time hereafter have or maintain any Correspondence with any other king, prince, or State, or with any of the Subjects, who shall then be in Warr against us, our heires or

years, to wit, *thousand six hundred*
thereof, of Our Special grace, *and*
be Granted, and by

Our
Love

Don
Assign
Islands

and

theire own

and of the Premises *and*
or them that shall be willing *to*
think fitt, To have and to hold, *not*
willing to take or purchase,
or fee-tail, or for the term of *years*
the said *William Penn*, his heires *the*
iory of *Windsor*, by such services, *that*
fitt to the said *William Penn*, his *he*
ately of us, our heires and successors,
persons, and to all and every of them,
presents, for us, our heires and
power, that such person or persons, *as*
parcell thereof, of the aforesaid *William*,
and the same hold to themsel *their*
estate of inheritance soever, in
wise, as to him, the said *William Penn*,
seem expedient: The Statute made *in*
sonne of King HENRY, late King of *England*,
monly called *The Statute QUIA E*
lished in our Kingdome of *England* in

AND by these presents wee give and *to*
William Penn, and his heires, likewise, *to*
and persons to whom the said *William*,
any time hereafter grant any estate or
erect any parcells of Land within the *same*
nors, by and with the Licence to be first

[illegible]

that he shall not be liable to any
his complaint to the governor or
deputy, or some inferior magistrates
of his power, take care with the
reasonable satisfaction be made.

XIV. That all differences between
shall also be ended by justice
natives; that so we may live friendly
preventing all occasions of heart-burnings.

XV. That the *Indians* shall have liberty
improvement of their ground, and
families, that any of the planters shall

XVI. That the laws, as to slanders, *pride*
pride in apparel, trespasses, distric-
ures, shall be the same as in *England*
province.

XVII. That all shall mark their houses
what are not marked within *three* months
sion, be it young or old, it shall be forfeit
people may be compelled to avoid the occupation
planters.

XVIII. That, in clearing the ground, *one*
acre of trees for every *five* acres cleared,
and mulberries, for silk and shipping.

XIX. That all ship-masters shall give an
names, ships, owners, freights and passengers
appointed for that purpose, which shall be
days after their arrival, and if they shall
none presume to trade with them, upon for-
such masters be looked upon as having an *ex-*
ince.

XX. That no person leave the province, *or*
made thereof, in the market place, three weeks

shall decrease before the Last Session of the next Election causing his Deputy to fill his place for the remaining term of years.

4. THAT—After the first Seven years of the term that goeth yearly off shall be a new election for one whole year following that shall be made of men and have Experience of the Country.

5. THAT—In the provincial Council at any moment as There agreeing upon Bills shall be sent to the Courts of Justice having Judgment and choice of Officers in such manner as shall be thought fit. Not lesse than Two Thirds of the whole shall make a Quorum and that the Consent and assent of said Quorum shall be had in all such Cases. And moreover that in all cases and matters of law four members of the said Provincial Council shall determine on such Cases and Causes of Law.

6. THAT—In this Provincial Council the Governor shall or may always preside and have a voice. The Provincial Council shall always Continue its sittings and Journments and Committees.

7. THAT—The Governour and Provincial Council shall propose to the General Assembly hereafter to be made which they shall at any time think fit to be made in said Province which Bills shall be published in noted places in the inhabited parts thereof at the meeting of the General Assembly in order to be passed into laws or Rejecting of them as the General Assembly shall think fit.

...the peace of the province and punish the Malefactors and
...of those who subvert Justice to the detriment of the
...Interest. A Committee of Trade and Commerce shall
...regulate all Trade and Commerce according to the
...and Country growth and defend the publick
...And a Committee of manners Education shall
...all Wicked and scandalous Living may be promoted and
...may be successively trained up in Virtue and useful Learning
...Arts. The Quorum of each of which Committees shall be
...two out of each of the three orders or yearly elections as aforesaid
...a Constant or Standing Council of four and the same
...shall have the power of the Provincial Council being the
...of it in all Cases not excepted in the fifth Article. And in
...the said committees and standing Council of the Province the
...or his deputy shall or may preside as aforesaid. And in the
...of the Governour or his deputy if no one is by either of them
...the said Committees or Council shall appoint a President
...time and not otherwise and what shall be Resolved at such
...shall be reported to the said Council of the Province and
...by them resolved and confirmed before the same shall be put
...And that these Respective Committees shall not sit at
...the same time except in Cases of necessity.

...to the End that all Laws prepared by the Governour and
...Council aforesaid may yet have the more full Concur-

also directed to be the same as
of the province with the same
Approval of the General
Assembly.

16. THAT For the better Execution of the
Laws of this province and to the greater
Satisfaction in the laying of the same the
Assembly shall or may for the first time
of and in the said province and ever after
as aforesaid. Which number of Towns in
the Country shall Increase in people to be
dred at any time The Appointment and
also the laying and methodizing of the
Council and General Assembly in relation to
Division of the Hundreds and Counties which
after be divided into shall be in the power
to propose and the General Assembly to ratify.

17. THAT The Governour and the Provincial
time to time erect Standing Courts of Justice
number as they shall Judge Convenient for
the said province And that the Provincial Court
teenth day of the First month yearly Elect
ernour or his Deputy a double number of persons
Treasurers Masters of the Rolls within the next
next ensuing. AND the freemen of the
County Courts when they shall be erected and
Assembly shall on the Three and Twentieth day
yearly Elect and present to the Governour
number of persons to serve for Sheriffs Justices
nors for the year next ensuing Out of which
presentments the Governour or his Deputy shall
missionate the proper number for each office in
said respective presentments or else the first

FRAME OF GOVERNMENT

*The frame of the government of this
America: together with certain laws
the Governor and divers freemen of
further explained and confirmed
oil, that shall be held, if they see*

THE PREFACE

When the great and wise *God* had made
tures, it pleased him to chuse man his
him for so great a charge and trust, he did
skill and power, but with integrity to the
goodness was equally his honour and his
stood here, all went well; there was no need
means; the precept of divine love and the
guide and keeper of his innocence. But
made a lamentable breach upon it; and the
power over him, took place upon him, and
that such as would not live conformably
should fall under the reproof and correction
in a judicial administration.

* From Votes and Proceedings, note b, ante, p. 1.

good laws have been made, and that we have not power to change or alter them, but only wise and good: but a law is not a question) love laws and an authority, therefore, which makes a good law, of wisdom and virtue, qualities, that worldly inheritances, must be secured by education of youth; for which authority and prudence of founders, and the care of their parents, for their private patrimonies.

These considerations of the weight of the and various opinions about it, made it necessary, in publishing the ensuing frame and conditions, censures, they will meet with, from some engagements, and the occasion they may give design.

But, next to the power of necessity, (which I take no denial) this induced me to a complete reverence to God, and good conscience to my skill, contrived and composed the *frame* and to the great end of all government, viz: *To give peace with the people, and to secure the power*; that they may be free by their just magistrates honourable, for their just administration obedience is confusion, and obedience without To carry this evenness is partly owing to the to the magistracy: where either of these are subject to convulsions; but where both are well subverted; then where both meet, the government Which I humbly pray and hope *God* will prosper this of *Pensilvania*. Amen.

in the year 1841, the said
condition of the said
Proprietary and Company
those who are the members of the
the eleventh of July, one thousand

notice of the
; and that
two persons chosen by the
shall meet, on the
may be called, and
as well as
at the first choice of the
said provincial Council
next ensuing; one-third
one-third part, for
; and that the
on the twentieth day of
afterwards, the freemen
meet and assemble together
one-third of the said
years: it being intended
Council (always consisting
as aforesaid) falling
such new yearly elections, shall
continue therein longer than
decease before the last
next election ensuing his decease
place, for the remaining

* Idem, pp. xxviii-xxx

in a General Assembly, as that Assembly shall think proper, not exceeding twelve persons, who shall, during the said month, and the eight and three following, be in the said province, where, during eight days, they shall be free to confer with one another, and, if any of the members of the provincial Council (consisting of three out of each of the four committees aforesaid, being twelve in all) shall, at that time, purposely appointed to receive from any of them any alterations or amendment of any of the said proposed and unamended bills: and on the ninth day from their assembling at the said General Assembly, after reading over the proposed bills to the Clerk of the provincial Council, and the occasions and reasons for them being opened by the Governor or his Deputy, shall give their affirmative or negative, which to them seemeth best, in such manner as hereinafter is expressed. But not less than two thirds shall make a *quorum* in the passing of laws, and choice of such persons as are by them to be chosen. And that the laws so prepared and proposed, as aforesaid, that are assented to by the General Assembly, shall be enrolled as laws of the province, with this stile: *By the Governor, with the assent and participation of the freemen in provincial Council and General As-*

...the said officers, shall stand and remain in office, until the next annual meeting, at which time the number of persons, to be chosen for the year next ensuing, shall be presented, and the Governor shall commission the proper persons, after the said presentments, as shall be found most fit for each office, shall stand and remain in office.

XVIII. But forasmuch as the presentment requires some immediate settlement, and the revolution of officers; and to the end that the same be done with convenient speed, be well ordered, and that we therefore think fit to nominate and appoint Treasurers, Masters of the Rolls, Sheriffs, Coroners, as are most fitly qualified for the same, I shall make and grant commissions for the same to hold to them, to whom the same shall be given, as every such person shall well behave himself, to him respectively granted, and no longer, and the displacing of any of the said officers, the officers, shall be chosen, as aforesaid.

XIX. That the General Assembly shall be so needful to impeach criminals, fit to be thereunto into laws, that they shall think fit to pass the time as the Governor and provincial Council shall have nothing further to propose unto them, approbation: and that declaration shall be given to the Assembly for that time; which General Assembly standing, capable of assembling together upon the provincial Council, at any time during that year, the provincial Council shall see occasion for their so using.

of the said province, as often as any day of the month of March shall fall upon the Lord's Day, the business proposed shall be deferred till the next day, unless in case of emergency. That no act, law, or ordinance or regulation shall be made or done by the Governor of this province, or by the freemen in the provincial Council or General Assembly, to alter, change, or diminish the form, or effect of this charter, or any part, or clause thereof, without the consent of the Governor, his heirs, or assigns, and six parts of seven of the said Council and General Assembly. And lastly, that I, the said *William Penn*, for myself, my heirs, and assigns, have solemnly declared, granted and confirmed, and hereby solemnly declare, grant and confirm, that neither I, my heirs, nor assigns, shall procure or do any thing or things, whereby the liberties, in this charter contained and expressed, shall be infringed or broken; and if any thing be procured by any person or persons contrary to these premises, it shall be held of no force or effect. Whereof, I, the said *William Penn*, have unto this present charter of liberties set my hand and broad seal, this five and twentieth day of the second month, vulgarly called April, in the year of our Lord one thousand six hundred and eighty-two.

WILLIAM PENN.

LAWS AGREED UPON IN ENGLAND, &c.*

That the charter of liberties, declared, granted and confirmed the twentieth day of the second month, called April, 1682, before witnesses, by *William Penn*, Governor and chief Proprietor of the said province, to all the freemen and planters of the said province, be declared and approved, and shall be for ever held for fund-

* Idem. pp. XXXII-XXXV.

IV. That no money or goods shall be levied on the people of this province by the king or his officers, but by a law, for that purpose made, nor shall any money or goods be levied on a public enemy to the province and the people thereof.

V. That all courts shall be open, and justice denied nor delayed.

VI. That, in all courts all persons of age shall appear in their own way, and according to the law, and there personally plead their own cause, or by their friends: and the first process shall be by complaint in court, fourteen days before the complaint complained against, may be fitted for the person summoned, no less than ten days before, and shall be delivered him or her, at his or her dwelling: and no complaint of any person be received, he shall appear in court, that he believes, in his conscience, to be true.

VII. That all pleadings, processes and records shall be short, and in *English*, and in an ordinary and plain manner, so that they may be understood, and justice speedily administered.

VIII. That all trials shall be by twelve men, or more, be, peers or equals, and of the neighborhood, and without exception; in cases of life, there shall be first a trial by the sheriffs, for a grand inquest, of whom the jury shall find the complaint to be true; and then the twelve shall be likewise returned by the sheriff, shall have a trial. But reasonable challenges shall be always admitted to twelve men, or any of them.

XXV. That to the end that the
this province, may, with more
expressed in them, it is agreed, that
shall one public office, at one time.

XXVII. That all children, within
twelve years, shall be taught some
none may be idle, but the poor may
become poor, may not want.

XXIX. That servants be not kept
such as are careful, be both justly and
and put in fitting equipage at the
custom.

XXX. That all scandalous and
defamers and spreaders of false news, whether
or private persons, shall be accordingly
to the peace and concord of this province.

XXXI. That for the encouragement
in this province, who are incorporated
granted to them by *William Penn*, Governor
hereby ratified and confirmed.

XXXII. * * *

XXXIII. That all factors or correspondents
wronging their employers, shall make
over, to their said employers: and in case of
factor or correspondent, the committee of
secure so much of the deceased party's estate
respective employers.

XXXIV. That all Treasurers, Judges, Magistrates,
Justices of the Peace, and other officers
relating to courts, or trials of causes, or any
government; and all Members elected to serve
and General Assembly, and all that have right

[illegible]

...and brought a copy
...by solemnizing
...at the opening every
...court of justice; and
...up after the reading

And the contrary there shall be, at no time, any alteration
without the consent of the Governor, his heirs, or
of seven of the freemen, met in provincial Council.

all other matters and things not herein provided and may, concern the public justice, peace or province; and the raising and imposing taxes, other charges whatsoever, shall be, and are, hereby, prudence and determination of the Governor and free the Council and General Assembly, to be held, from the said province.

by the Governor and freemen aforesaid, the
the third month, called *May*, one thousand six hundred

of all the freemen, planters and
adventurers of the said province and territories thereof,
as by virtue of the said charter and of the said
William Penn, have been and shall be confirmed
unto all the freemen, planters and adventurers of
the said province and territories thereof, and their
and properties, so far as in the said charter and
the freemen, planters and adventurers of the said
Pennsylvania, and territories thereof.

Imprimis, That the government of the said province
thereof, shall, from time to time, according to the
patent and deeds of feoffment aforesaid, be
and Governor, and freemen of the said province
thereof, in form of provincial Council and Assembly,
provincial Council shall consist of eighteen persons,
of each county, and which Assembly shall consist
sons, being six out of each county, men of
wisdom and ability; by whom all laws shall be made
and public affairs transacted, as is hereafter

II. There being three persons already chosen
county of this province and territories thereof
vincial Council, one of them for three years;
one for one year; and one of them to go off
that on the tenth day of the first month year
freemen of the said province and territories

That the Governor and provincial Council shall, at all times, have the care of the peace and safety of this province and territories thereof; and that nothing be, by any person, attempted, to the prejudice of this frame of government.

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...the third day after the death of the said Treasurer, or in case of death or default, such vacancy shall be supplied by the Governor and provincial Council in manner aforesaid. That the Assembly shall continue as long as may be needed to try such criminals, fit to be there impeached, to pass such bills as are proposed to them, which they shall think fit to pass and assent, and till such time as the Governor and provincial Council shall declare that they have nothing further to propose unto them, for their assent and approbation, and that declaration shall be a dissolution of the assembly, for that time; which Assembly shall be a court of justice, capable of assembling together, upon the command of the Governor and provincial Council, at any time, during that period, if the Governor and provincial Council shall see occasion for them so assembling.

XV. That all the elections of members, of representatives of the people to serve in provincial Council and Assembly, and all elections to be determined by both or either of them, that relate to choice of officers, and all, or any other personal matters, shall be resolved and determined by the *ballot*, and all things relating to the preparing and passing of bills into laws, shall be openly declared and resolved by

XVI. That, at all times, when the Proprietary and Governor shall be under the age of one and twenty years, and no guardians or commissioners are appointed in writing, by the will of the said infant, or that such guardian shall be deceased, that during such minority, the provincial Council shall, from time to time as they shall see meet, constitute and appoint guardians and commissioners, not exceeding three, one of which shall preside as

in His province, and territories thereunto belonging, to the inhabitants of this province, to hunt and hunt upon the lands, rivers and creeks in, and belonging to, the said province, with liberty to draw and carry away the same, so as it be not to the detriment of the lands thereof, except such lands as do belong to the boatable, or which are, or may be, to the detriment of the same.

XXIII. And that all the inhabitants of the territories thereof, whether purchasers or not, do hereby worldly pledge of my good and kind will, that I do give, grant and confirm to all such persons the quiet possession of their respective lands, according to their lawful or equitable claim, saving only such lands as are, or customarily ought to be, to the same, or assigns.

XXIV. That no act, law, or ordinance, made at any time hereafter, be made or done by the Proprietary of this province, and territories thereunto belonging, or by the freemen in provincial Council or Assembly, or diminish the form or effect of this charter, or thereof, contrary to the true intent and meaning, without the consent of the Proprietary and Governor, or six parts of seven of the said freemen in provincial Assembly met.

XXV. And lastly, I, the said *William Penn*, Governor of the province of *Pennsylvania*, and territories thereunto belonging, for me, my heirs and assigns, do hereby grant and confirmed, and do hereby solve

provincial Council shall at all times
this province and shall
John attempted to the
Lake Waterbury at all times
Joseph F. [unclear]
Dennis [unclear]
John Brinkley, [unclear]
Henry Bowman, [unclear]
Cornelius V. [unclear]
John Southw [unclear]
[unclear] and

**Henry Lewis,
Samuel Miles.**

said three counties, by their representatives of the *Province of New England*, on the sixth day of the said month of *April*, by the advice and consent of the *Members* of the said *House of Commons*, that the said three counties should be restored to *Virginia*, as the proper territories thereof, and the late queen *Mary*, over *England*, and commission, under the great seal of the said *House of Commons*, on the first day of *October*, in the fourth year of the said *James* (for the reasons therein mentioned) taking the said province and territories into their highnesses' protection, did think fit to constitute *Benjamin Penn*, of *New York*, to be their Captain General and Governor in Chief of this province and country. And whereas the said queen afterwards, by their letters patent under the great seal of *England*, dated the twentieth day of *August*, in the fifth year of her said Majesty's reign, have thought fit, upon the humble petition of the said *Benjamin Penn*, to restore him to the administration of the said province and territories; and that the said *Benjamin Penn* did constitute the said *Benjamin Penn* General and Governor in Chief of the said country of *Newcastle*, and the territories thereof, thereupon, in *America*, together with all the rights thereby granted for the ruling and governing of the said country, should, from the publication of the said patent, cease, determine and become void; and are hereby declared void; whereupon the said *Benjamin Penn* nominate his kinsman, *William Markham*.

That no inhabitant of any of the territories, shall have right of electing, or being elected, unless they be free denizens of this government, and be of the age of twenty-one years, or upwards, and have fifty acres of land, or five acres wherof being sowed and cleared, or be able to pay five pounds, lawful money of this government, clear value, and have been resident within this government for the space of one year next before such election.

And whereas divers persons within this government, cannot, for conscience sake, take an oath, upon any account whatsoever, be it enacted by the authority aforesaid, That all and every such persons and persons, being, at any time hereafter, required, upon any lawful occasion, to give evidence, or take an oath, in any case whatsoever, shall, instead of swearing, be permitted to make his, or their own affirmation, attest, or declaration, which shall be adjudged, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes whatsoever, as if they had taken an oath; and in default of such person or persons shall be lawfully convicted of having wilfully and corruptly affirmed, or declared any matter or thing, upon any solemn affirmation or attest, shall incur the same penalties and punishments as by the laws and statutes of *England* are provided against persons convicted of wilful and corrupt perjury.

And be it further enacted by the authority aforesaid, That all persons who shall be hereafter either elected to serve in Council and Assembly, or commissioned or appointed to be Judges, Justices,

The form of the Constable's attest shall be this
words, viz:

Thou shalt solemnly promise, well and truly, to the
the King and Governor in the county of P. for this ensuing year, or
county of, &c., and preserve the same, and deliver them
forth as thou canst, or mayest; thou shalt also
the writs and precepts to thee directed by the
deputy, but such as thou wilt answer to the
except from such judges and justices who by
ment, have authority to issue and direct; thou
shalt diligently and truly do and account
to thy office, after the best of thy wit and
Governor's profit, and good of the inhabitants
taking such fees only as thou oughtest by
government, and not otherwise.

The form of a Constable's attest shall be this

Thou shalt solemnly promise, well and truly, to the
of thy understanding, to execute the office of
(or county) of P. for this ensuing year, or
in thy room, or thou shalt be legally discharged.

The form of the Grand Inquest's attests shall be this

Thou shalt diligently enquire, and truly report
such matters and things as shall be given thee
thy knowledge, touching this present service
fellows, and thy own, thou shalt keep secret
shalt present the truth, and nothing but the
knowledge.

...and voluntary, and shall be
...for giving him such reward
...year; and such person or persons
...to be elected, on the day
...wages than the law
...to serve in Council, or Assembly, shall be
...chosen, either for Council, or Assembly, shall be
...accordingly, and be the sole judge of the
...of the elections of their respective members, and of any
...or persons, chosen to serve in Council, or Assembly, shall be
...absent from the service, he or they are so chosen to stand, or
...deceased, or rendered incapable, then, and in all such cases, as shall
...for the Governor, within ten days after knowledge of the
...to issue forth a writ to the Sheriff of the county, for which the
...person, or persons, were chosen, immediately to summon the
...of the same to elect another member in the room of such
...deceased, or incapable person or persons; and in case any
...shall misbehave himself, in the management of any of the said
...elections, he shall be punished accordingly, at the discretion of the
...Governor and Council, for the time being.

Be it further enacted by the authority aforesaid, That every member
...now chosen, or hereafter to be chosen, by the freemen or others
...to serve in Council, and the Speaker of the Assembly, shall be
...allowed five shillings by the day, during his and their attendance;
...and every Member of Assembly shall be allowed four shillings by the
...day, during his attendance on the service of the Assembly; and that
...every Member of Council and Assembly shall be allowed towards
...their traveling charges after the rate of two pence each mile, both
...going to, and coming from, the place, where the Council and Assembly
...is, or shall be, held; all which sums shall be paid yearly out of
...the county levies, by the county receivers respectively.

And be it further enacted by the authority aforesaid, That the
...Governor, or his Deputy, shall always preside in the Council, and that
...shall, at no time, perform any public act of state whatsoever, that

shall, or may relate unto the justice, treasury or trade of the province and territories, but by and with the advice and consent of the Council thereof, or major part of them that shall be present.

And be it further enacted by the authority aforesaid, That all the Sheriffs and Clerks of the respective counties of the said province, and territories, who are, or shall be, commissioned, shall give good and sufficient security to the Governor, for answering the king and his people, in matters relating to the said offices respectively.

And be it further enacted by the authority aforesaid, That the Council, in all cases and matters of moment, as about erecting courts of justice, sitting in judgment upon persons impeached, and upon bills and other matters, that may be, from time to time, presented by the Assembly, not less than two-thirds shall make a *quorum*; and that the consent and approbation of the majority of that quorum shall be had in all such cases and matters of moment; and that in cases of less moment, not less than one-third of the whole shall make a quorum; the majority of which shall, and may, always determine in all such matters of lesser moment, as are not above specified: and in case the Governor's power shall hereafter happen to be in the Council, a President shall then be chosen out of themselves by two-thirds, or the major part of them; which President shall therein preside.

Be it further enacted by the authority aforesaid, That the Governor and Council shall take care that all the laws, statutes and ordinances, which shall at any time be made within the said province and territories, be duly and diligently executed.

Be it further enacted by the authority aforesaid, That the Governor and Council shall, at all times, have the care of the peace of this province and territories thereof, and that nothing be, by any persons, attempted to the subversion of this *frame of government*.

And be it further enacted by the authority aforesaid, That the Governor and Council for the time being, shall, at all times, settle and order the situation of all cities and market towns, modeling therein all public buildings, streets and market places; and shall appoint all public landing places of the towns of this province and territories: and if any man's property shall be judged by the Governor and Council to be commodious for such landing place in the said towns, and that the same be by them appointed as such, that the owner shall have such reasonable satisfaction given him for the same as the Governor and Council shall see meet, to be paid by the said respective towns.

Be it further enacted by the authority aforesaid, That the Governor and Council shall, at all times, have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the Governor, Council and Assembly.

Be it further enacted by the authority aforesaid, That the Governor and Council shall erect and order all public houses, and encourage and reward the authors of useful sciences and laudable inventions in the said province, and territories thereof.

And be it further enacted by the authority aforesaid, That the Governor and Council shall, from time to time have the care of the management of all public affairs, relating to the peace, safety, justice, treasury, trade, and improvement of the province and territories, and to the good education of youth, and sobriety of the manners of the inhabitants therein, as aforesaid.

And if any County or Counties shall not have the full Power of an Assembly, the Representatives had been chosen, less than *Two Thirds* of the whole, then

And that the Qualifications of Members in Matters and Things relating to the same in Assemblies, though not herein provided, and remain as by a Law of this State in the Year *One Thousand Seven Hundred and Eighty* to maintain the Number of Members of the same Elections.

III

THAT the Freemen in each respective Place of Meeting for Electing their Assembly, may as often as there shall be a Number of Persons to present to the Governor to serve for *Three Years*, if so long well; out of which respective Elections the Governor shall nominate and commissionate in Offices, the *Third* Day after such Presentment, for each Office named in such Presentment, for each Office and serve in that Office for the Time before in Case of Death or Default, such Vacancies the Governor, to serve to the End of the said

PROVIDED ALWAYS, That if the said Freemen elect or decline to chuse a Person or Persons in the aforesaid Offices, then and in such Case, the Persons in the respective Offices of Sheriffs or Clerks of the Election, shall remain therein, until they shall be elected as aforesaid.

we do hereby declare, that if the said
Territories shall not hereafter be
and that the same shall be signed by
Assembly, or otherwise from under
representatives, for the Time being, of
the major Part of either of them, from
from the Date hereof, that in such
the *Three* Counties of this Province
Persons to represent them in Assembly
Inhabitants of the Town of *Philadelphia*
(incorporated) *Two* Persons to represent
Inhabitants of each County in the Town
Persons to represent them in a distinct
as shall be by them requested as aforesaid.

NOTWITHSTANDING which Separation of
ries, in Respect of Legislation, I do
declare, That the Inhabitants of both
separately enjoy all other Liberties, Privileges,
jointly to them in this Charter, any Law,
Government heretofore made and practiced,
passed by this General Assembly, to the Co
standing.

THIS CHARTER of PRIVILEGES being distinct
and the whole and every Part thereof, being
to, by us, we do thankfully receive the same.

continued.

**A DECLARATION OF THE RIGHTS OF THE
PEOPLE OF THE STATE OF NEW YORK**

I. That all men are born equal, and are entitled to certain natural, inherent and inalienable rights, to the enjoying and defending life, liberty, and property, and pursuing their own safety.

II. That all men have a natural right to worship Almighty God according to the dictates of their conscience and understanding: And that no man can be compelled to attend any religious worship, or to support any ministry of worship, or maintain any ministry, against his own free will and consent: Nor can any person, for his being of a God, be justly deprived or disfranchised, or a citizen, on account of his religious sentiments, or his participation in religious worship: And that no authority can be lawfully exercised, in, or assumed by any power whatever, to interfere with, or in any manner controul, the free exercise of religious worship.

III. That the people of this State have an inherent right of governing and regulating themselves in the same.

IV. That all power being originally in the people, derived from, the people; therefore all officers, legislative or executive, are their trustees, and are at all times accountable to them.

V. That government is, or ought to be, for the benefit, protection and security of the people, and not for the particular emolument or advantage

SECT. 3. The supreme executive power shall be vested in the president and council.

SECT. 4. Courts of justice shall be established in Philadelphia, and in every county of the state.

SECT. 5. The freemen of this state shall be trained and armed for its defence, and shall be subject to such regulations, conditions, and exceptions as the general assembly shall think proper, serving always to the people the right and duty of a citizen, and all commissioned officers under their authority shall be subject to the laws often as by the said laws shall be directed.

SECT. 6. Every freemen of the full age who has resided in this state for the space of one year next before the day of election for representatives, and who at that time, shall enjoy the right of an elector, shall be entitled to vote although they have not paid taxes.

SECT. 7. The house of representatives of the Commonwealth shall consist of persons most qualified to be chosen by the freemen of every city and county of the Commonwealth respectively. And no person shall be eligible who has not resided in the city or county for which he is elected immediately before the said election; nor who, at the time he continues such, hold any other office, except a justice of the peace.

SECT. 8. No person shall be capable of being elected to serve in the house of representatives of the Commonwealth more than four years in seven.

SECT. 9. The members of the house of representatives shall be chosen annually by ballot, by the freemen of the state, on the second Tuesday in October forever, (except in leap years) and shall meet on the fourth Monday of the month of December, and be stiled, *The general assembly of the representatives of Pennsylvania*, and shall have power to choose

And each member,
the following

I do believe in one
rewarder of the good

the Scriptures

by inspiration

And no further or other religion
of any civil officer or magistrate

SECT. 11. Delegates to represent
chosen by ballot by the future general assembly
annually forever afterwards, as long

be necessary. Any delegate may be summoned
general assembly appointing another in his place
in congress longer than two years after his
election for three years afterwards; and his
office in the gift of the congress shall hereafter
sent this commonwealth in congress.

SECT. 12. If any city or cities, county or
refuse to elect and send representatives to the
thirds of the members from the cities or
send representatives, provided they be a
counties of the whole state, when met, shall
the general assembly, as fully and amply as it

SECT. 13. The doors of the house in which
freemen of this state shall sit in general assembly
open for the admission of all persons who
only when the welfare of this state may require

SECT. 14. The votes and proceedings of the
be printed weekly during their sitting, with the
on, vote or resolution, where any two members require it, except

...this present year; and the assembly for the two next succeeding years, one hundred and seventy-seven, one hundred and seventy-eight, choose their assembly. But as representation by taxable inhabitants is the only path to liberty, and make the voice of the land; therefore the general assembly of the taxable inhabitants in the city of Philadelphia, and in each county, shall be taken respectively, to be taken at the last meeting of the assembly, one thousand seven hundred and seventy-eight, and to each, in proportion to the number of representation shall continue for the term at the end of which, a new return of the made, and a representation agreeable to the assembly, and so on septennially forever, representatives in general assembly, and all paid out of the state treasury.

SECT. 18. In order that the freemen of the state shall enjoy the benefit of election as equally as possible, representation shall commence, as directed in this act, each county at its own choice may be divided into wards therein, and elect their representatives in the general assembly, elective officers, as shall be hereafter regulated by the assembly of this state. And no inhabitant of the state shall have more than one annual vote at the general election of the general assembly.

SECT. 19. For the present the supreme court of the state shall consist of twelve persons chosen by the legislature. The freemen of the city of Philadelphia, and of the counties of Philadelphia, Chester, and Bucks, respectively, shall elect one person for the city, and one for each county.

...shall be chosen a member of the council. The president shall be chosen annually by the general assembly and council, of the members of which no person having served as a councillor for three consecutive years shall be eligible of holding that office for four years after having been a member of the council shall be a justice of the peace for the county or counties, by virtue of his office.

When new additional counties shall hereafter be created in this state, such county or counties shall elect a councillor, and such county or counties shall be annexed to the next neighbouring counties, and shall take rotation with such counties.

The council shall meet annually, at the same time and place with the general assembly.

The treasurer of the state, trustees of the loan office, naval officers, collectors of customs or excise, judges of the admiralty, attorney general, sheriffs, and prothonotaries, shall not be capable of a seat in the general assembly, executive council, or continental congress.

Sec. 20. The president, and in his absence the vice president, with the council, five of whom shall be a quorum, shall have power to appoint and commissionate judges, naval officers, judges of the admiralty, attorney general and all other officers, civil and military, such as are chosen by the general assembly or the people, according to this frame of government, and the laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by death, resignation, removal or disqualification, until the office can be filled in the time and manner directed by law or this constitution. They are to correspond with other states, and transact business with the officers of government, civil and military; and to prepare such business as may appear to them necessary to lay before the general assembly. They shall sit as judges, to hear and determine on impeachments, taking to their assistance for advice only, the justices of the supreme court. And shall have power to grant pardons, and

SECT. 22. Every member of the council shall be liable to be impeached by the council, before, during, or after his resignation, and impeachments shall be heard by the council, who shall hear and determine.

SECT. 23. The judges of the supreme court shall have fixed salaries, be commissioned for a term of years, and of re-appointment at the end of their term, and their behaviour at any time by the governor shall be allowed to sit as members in the council, or general assembly, nor to hold any office, nor to take or receive fees or perquisites.

SECT. 24. The supreme court, and the courts of pleas of this commonwealth, shall, by the laws authorised by such courts, have the powers and jurisdiction as relates to the perpetuating testimony in all places not within this state, and the care of those who are *non compotes mentis*, and such other as found necessary by future general assembly, under this constitution.

SECT. 25. Trials shall be by jury as heretofore recommended to the legislature of this state, to prevent every corruption or partiality in the choice of juries.

SECT. 26. Courts of sessions, common pleas, and inferior courts shall be held quarterly in each city and county, and shall have power to establish all such other courts for the good of the inhabitants of the state. Law and justice shall be impartially administered without unnecessary delay: All their officers shall be paid moderate compensation for their services: And

SECT. 37. The legislature may, in such a manner as it shall think proper, direct the punishment of the crimes committed by the legislature of this state, in some cases less rigorous than to the crimes.

SECT. 39. To deter more effectually by continued visible punishment, the ordinary punishments less necessary for punishing by hard labour, than not capital; wherein the criminality of the public, or for reparation of the And all persons at proper times shall at their labour.

SECT. 40. Every officer, whether public authority under this commonwealth, shall affirm of allegiance, and general on the execution of his office.

THE OATH OR AFFIRMATION

I ——— do swear (or affirm) that I will faithfully execute the laws of this commonwealth of Pennsylvania: And I will not indirectly do any act or thing prejudicial to the constitution or government thereof, as established.

THE OATH OR AFFIRMATION

I ——— do swear (or affirm) that I will faithfully execute the laws of ——— for the ——— of ——— and will do so to all men, to the best of my judgment and ability.

SECT. 41. No public tax, custom or contrivance shall be levied upon, or paid by the people of this state, except

Sec. 17. The senators and representatives shall have no other emolument from the treasury of the commonwealth, than their salaries, and bequest or bounty, or arrest during their attendance on the business of the house in which they shall sit, and in going to and returning from the same, and in debate in either house they shall not be arrested.

Sec. 18. No senator or representative shall be a member of the militia of this commonwealth, which shall have been increased, during his absence from Congress, or other person holding any office of honor or profit, or in the militia) under the laws of the commonwealth, shall be a member of either house of Congress, or in office.

Sec. 19. When vacancies happen in either house, the governor shall issue writs of election to fill such vacancies.

Sec. 20. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments to any bill.

Sec. 21. No money shall be drawn from the treasury in consequence of appropriations made by law.

Sec. 22. Every bill, which shall have passed both houses, shall be presented to the governor. If he approve, he shall sign it; if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, where it shall be read at large upon their journals, and proceed to a reconsideration two-thirds of that house assenting to the bill, it shall be sent, with the objections, to the other house, where it shall likewise be reconsidered; and if approved by that house, it shall be a law. But in such cases the yeas and nays of the persons voting for or against the bill shall be entered on the

of each house, respectively, shall be presented to him, it shall be his duty, unless the general assembly return: in which case it shall be laid on the table, and shall be presented to him ten days after their next meeting.

Sec. 23. Every order, resolution, or joint resolution (except a bill) shall be presented to the governor for his signature and approval, and, if approved, shall be signed by him, or, if not approved, by two-thirds of both houses, in the manner prescribed in case of a bill.

SECTION 1. The supreme executive power of this State shall be vested in a governor.

Sec. 2. The governor shall be chosen on the third Tuesday of October, by the citizens of the commonwealth, at the polls, and shall respectively vote for representatives and senators. The election for governor shall be held on the third Tuesday of October, and the returns of the election shall be taken and published in the presence of the members of both houses of the legislature. The person having the highest number of votes shall be governor. But if two or more shall be equal, and no other shall have a majority, one of them shall be chosen governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and regulated in such manner as shall be directed by law.

Sec. 3. The governor shall hold his office during three years from the third Tuesday of December next ensuing his election, and shall not be capable of holding it longer than nine in any term of twelve years.

Sec. 4. He shall be, at least, thirty years of age, and have been a citizen and inhabitant of this State seven years next before his election; unless he shall have been absent on the public business of the United States, or of this State.

Sec. 5. No member of Congress, or person holding any office under the United States, or this State, shall exercise the office of governor.

Sec. 6. The governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

Sec. 7. He shall be commander-in-chief of the army and navy of this commonwealth, and of the militia; except when they shall be called into the actual service of the United States.

Sec. 8. He shall appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of Congress from

Sec. 12. He shall hold office until the first Tuesday in December next following the trial of a contested election.

Sec. 14. In case of the death of the governor, his removal from office, the resignation of the governor until another governor is elected, or the trial of a contested election, the governor shall hold office until the first Tuesday in December next following the trial of a contested election.

Sec. 15. A secretary shall be appointed by the governor, who shall hold office until the first Tuesday in December next following the trial of a contested election.

Sec. 16. The secretary shall keep a fair register of the proceedings of the governor, and shall, when required, produce the same to the legislature.

Sec. 17. The secretary shall keep a fair register of the proceedings of the governor, and shall, when required, produce the same to the legislature.

Sec. 18. The secretary shall keep a fair register of the proceedings of the governor, and shall, when required, produce the same to the legislature.

Sec. 19. The secretary shall keep a fair register of the proceedings of the governor, and shall, when required, produce the same to the legislature.

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Sec. 29. The secretary shall keep a fair register of the proceedings of the governor, and shall, when required, produce the same to the legislature.

Sec. 30. The secretary shall keep a fair register of the proceedings of the governor, and shall, when required, produce the same to the legislature.

ARTICLE III

SECTION 1. In elections by the citizens, every male citizen of twenty-one years, having resided in the state for one year before the election, and within that time paid taxes on property which shall have been assessed at least once a year, shall enjoy the rights of an elector: Provided, that persons qualified as aforesaid, between the ages of twenty and twenty-two years, shall be entitled to vote if they have paid taxes.

SEC. 2. All elections shall be by ballot, and every citizen, in their representative capacities, who shall vote shall be entitled to a ballot.

SEC. 3. Electors shall, in all cases except treason, felony, or surety of the peace, be privileged from arrest on elections, and in going to and returning from the polls.

SECTION 1.

The judges of the supreme court shall be impeached.

SEC. 2.

All members of the supreme court shall be liable for that purpose, and any person shall be liable to be impeached by the members present.

SEC. 3.

The governor, and all judges of the supreme court, shall be liable to impeachment, and judgment, in such cases, shall be made by the members present, and disqualification to hold any office of profit under this commonwealth. The person so convicted, shall nevertheless be liable to imprisonment and punishment according to law.

ARTICLE V.

SECTION 1.

The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, in a court of sessions, and a court of quarter sessions of the peace, and in such other courts as the legislature may from time to time establish.

SEC. 2.

The judges of the supreme court, and of the several courts of common pleas, shall hold their offices during good behavior, and for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them, on the address of two-thirds of each branch of the legislature. The judges of the supreme court and the presidents of the several courts of common pleas shall, at stated times, receive for their services and adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

SEC. 3.

The jurisdiction of the supreme court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties.

SEC. 4.

Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner: The governor shall appoint, in each county, not fewer than three nor more than four judges, who, during their continuance in office, shall reside in such county. The State shall be divided by law into circuits, none of which shall include more than six nor fewer than three counties. A president shall be appointed of the courts in each circuit, who, during his continuance in office, shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

SEC. 5.

The judges of the court of common pleas in each county shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, for the trial of capital and other offenders therein; any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer or jail delivery in any county when the judges of the supreme court, or any of them,

Sec. 8. The judges of the supreme court shall, in their respective counties, do right and cause their proceedings to be done, and to cause their proceedings to be done, like right and justice to be done.

Sec. 9. The president of the county court, the clerk, and the judges of the court of common pleas of the several counties, shall be justices of the peace in all civil matters.

Sec. 10. The governor shall appoint and remove justices of the peace, in such convenient numbers, as he may or shall be directed by law; they shall be subject to removal on account of bad behavior, but may be removed on conviction of any infamous crime, or on the order of the legislature.

Sec. 11. A register's office for the probate of wills, and for the records of administration, and an office for the records of the county shall be kept in each county.

Sec. 12. The style of all process shall be "in the name of the Commonwealth of Pennsylvania;" all prosecutions shall be commenced by the authority of the commonwealth, and shall conclude, "against the peace and dignity of the Commonwealth."

ARTICLE VI

SECTION 1. Sheriffs and coroners shall, at the election of representatives, be chosen by the electors; two persons shall be chosen for each office, and the two persons, respectively, shall be appointed by the governor, and shall hold their offices for three years, if they shall so long live, well, and until a successor be duly qualified; no person shall be twice chosen or appointed sheriff in any term of years; in either of the said offices shall be filled by the governor.

to make by law, and until a law is made.

Sec. 2. The persons who are appointed for the duties of the office shall not be compelled to perform personal service. The militia shall be organized for land and for sea service.

Sec. 3. Prothonotaries, clerks of the courts of record, registers of deeds, registrars of probate, and all officers in the county courts of the county shall be officers, unless where the expense therewith for any county has been provided for by law.

Sec. 4. All commissions shall be in the name and seal of the commonwealth of Pennsylvania, and be signed by the governor.

Sec. 5. The State treasurer shall be appointed by the joint vote of the members of both houses. He shall have the management of the treasury department, attorneys at law, clerks, and all persons engaged in the collection of taxes, to the poor and highways, and all other persons and officers, shall be appointed in such manner as may be directed by law.

ARTICLE VII

SECTION 1. The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the State, in such manner that the poor may be taught gratis.

Sec. 2. The arts and sciences shall be promoted in one or more seminaries of learning.

Sec. 3. The rights, privileges, immunities, and estates of religious societies and corporate bodies shall remain as if the constitution of this State had not been altered or amended.

ARTICLE VIII

Members of the general assembly, and all officers, executive and judicial, shall be bound, by oath or affirmation, to support the constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

ARTICLE IX

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare—

SECTION 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

Sgt. A. That [redacted] was
Sgt. A. That [redacted]
thereof remain involved in [redacted]

Sec. 7. That the printing press which undertakes to examine the proceedings of any branch of government, and so to exercise its right thereof. The free communication of one of the invaluable rights of man to speak, write, and print on any subject, is one of that liberty. In prosecutions for libel, tending to impeach the official conduct of any officer or where the matter published is proven to be true, the truth thereof may be given in evidence. In all libels the jury shall have a right to determine the damages under the direction of the court, as in and to the effect of the following act.

SEC. 8. That the people shall be secure in their persons, papers, and possessions from unreasonable searches and seizures; that no warrant to search any place, or to seize any person or thing, shall issue, without describing them as near as may be; and that probable cause, supported by oath or affirmation, be requisite to the issuing of any such warrant.

SEC. 9. That in all criminal prosecutions, the accused shall have the right to be heard by himself and his counsel, to be informed of the cause of the accusation against him, to confront the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, to have a speedy and public trial, by an impartial jury of the vicinage, not compelled to give evidence against himself, nor to forfeit his life, liberty, or property, unless by the judgment of the law of the land.

SEC. 10. That no person shall, for any offence committed against criminally by information, in the land or naval forces, or in the militia, in time of war or public danger, or, by leave of session and misdemeanor in office. No person, once put in jeopardy of life or limb, shall be twice put in jeopardy of life or limb.

Property in which the
present value is less than

Sec. 11. That all persons who shall be called upon to do him in his lands, tenements, or hereditaments, shall do the due course of law, and shall not be guilty of any denial, or delay, in such cases, and shall not be liable in such damages as such persons may by law incur, for any such denial or delay.

Sec. 12. That no power be conferred by the legislature of any State or Territory upon any individual or corporation to exercise the same as herein provided for.

Sec. 13. That excessive fees shall not be imposed, nor shall unreasonable charges be

Sec. 14. That all prisoners shall be treated with humanity, and shall be allowed to employ their own means for their support, unless for capital offences; when the power of the State is so great; and the privilege of the writ of habeas corpus is suspended, unless when, in cases of rebellion or invasion, the safety may require it.

Sec. 15. That no commission of over and above the amount shall be issued.

Sec. 16. That the person of a debtor, whose estate is sequestered on the presumption of fraud, shall not be continued in custody, but shall be permitted to manage his estate for the benefit of his creditors, in such manner as may be prescribed by law.

Sec. 17. That no *ex post facto* law, nor any law impairing contracts, shall be made.

Sec. 18. That no person shall be appointed or elected to the legislature.

Suc. 19. That no attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the commonwealth; that the estates of such persons as shall destroy their own lives shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 20. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

Sec. 21. That the right of citizens to bear arms, in defence of themselves and the State, shall not be questioned.

SEC. 22. That no standing army shall, in time of peace, be kept up without the consent of the legislature; and the military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 23. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

SEC. 24. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer term than during good behavior.

SEC. 25. That emigration from the State shall not be prohibited.

SEC. 26. To guard against transgressions of the high powers which we have delegated, we declare, that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate.

office with the President and ninety-one, without their own limitations, of the nation, and no longer the governor; except that they hold their offices for the terms of

Sec. 4. That justice shall be done in the courts of the State, until the period shall expire, and in the same manner.

Sec. 5. That no person shall be eligible at the next election for the first time which he shall have served of three years.

Sec. 6. That, until the first election in the fourth section of the first article by this convention, the city of Philadelphia shall be respectively entitled to elect representatives as is now prescribed by law.

Sec. 7. That the first senate shall be chosen in districts formed as follows: Philadelphia and the counties of Philadelphia shall be a district, and elect three senators; the counties of Delaware and Kent shall be a district, and shall elect one senator; the counties of Lancaster and York shall be a district, and shall elect one senator; the counties of Berks and Dauphin shall be a district, and shall elect one senator; the counties of Cumberland and Schuylkill shall be a district, and shall elect one senator; the counties of Huntingdon and Luzerne shall be a district, and shall elect one senator; the counties of Bedford and Franklin shall be a district, and shall elect one senator; the counties of West Chester and Chester shall be a district, and shall elect one senator.

and Fayette shall be made, and the returns thereof shall be made, and the election shall be established by the judges of the elections. Any vacancies in the office of judge of the elections, shall be supplied by the judges of the elections, as provided in the first article.

Sec. 8. That the election of judges of the elections shall be made by the election laws of the State, and the returns thereof shall be made to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be. The judges of the elections shall consist of more than one county, the judges of the elections shall be chosen by the electors within each county, after having been chosen by the electors within that county, in each county, and the same, by one or more of the electors, as mentioned within the district, of which the judges so met shall compose, and shall return, and execute, under their hands, and the return for the whole district, the judges of the district composed of the city of Philadelphia and Delaware, shall meet at the court-house of Philadelphia; the judges of the district composed of Lancaster and York shall meet at the court-house of Lancaster; the judges of the district composed of Berks and Dauphin shall meet at Middletown in Berks; the judges of the district composed of the counties of Cumberland and Mifflin shall meet in Greenwood township, in Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Lancaster and Huntingdon shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin shall meet at the house now occupied by John Dickey, in Air township, Bedford County; the judges of the district composed of the counties of Westmoreland and Allegheny shall meet in Westmoreland County, at the court-house in the town of Greensborough; and the judges of the district composed of the counties of Washington and Fayette shall meet at the court-house in the town of Washington, in Washington County, on the third Tuesday in October, respectively, for the purposes aforesaid.

Sec. 9. That the election of the governor shall be conducted in the several counties in the manner prescribed by the laws of the State for the election of representatives; and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the independence of the United States of America the fifteenth. In testimony whereof we have hereunto subscribed our names.

Thomas Merrill, President.

JOSEPH REDMAN, Secretary.

J. SHALLUS, Assistant Secretary.

shall be directed by the legislature, and shall, at the several periods so determined by the legislature, and appointed by the several counties, according to the number of inhabitants in each; and shall never be less than one hundred. Each county shall have one representative; and every county hereafter erected shall be entitled to one representative until a sufficient number of taxable inhabitants shall be within it to entitle them to one representative, of which shall then be established.

SEC. 5.^b The senators shall be chosen by the citizens of Philadelphia and of the several counties in the same manner, and at the same place as the representatives.

SEC. 6. The number of senators shall be determined by making the enumeration before mentioned.

* Verified by Vol. 14 of "Proceedings and Debates of the Convention of the State of Pennsylvania, to propose amendments to the Constitution, Commenced and Held at Harrisburg, on the second day of May, 1837. Harrisburg: Clark, 1837. pp. 852.

"Journal of the Convention of the State of Pennsylvania, to propose amendments to the Constitution, Commenced and Held at Harrisburg, on the second day of May, 1837. Harrisburg: Clark, 1837. pp. 852.

"Proceedings and Debates of the Convention of the State of Pennsylvania, to propose amendments to the Constitution, held at Harrisburg, on the second day of May, 1837. Harrisburg: Clark, 1837. pp. 852. Stenographer to the Convention; Assisted by Mr. McKimley. Printed by Packer, Barrett and Parker, Harrisburg; 1837, 14 vols.

^a This constitution was framed by a convention which met at Harrisburg May 2, 1837, adjourned in July until October, and then moved to Philadelphia, where it completed its labors February 20, 1838. It was ratified by the people by a vote of 113,971 votes against 12,000.

^b See amendments.

and apportioned among the several counties according to the number of inhabitants; but never be less than one representative for every number of representatives.

Sec. 7.* The senators shall be chosen by the legislature; but no county shall be entitled to elect more than two senators, and no city or county shall be entitled to elect more than four senators, and no city or more counties, they shall be chosen in Philadelphia nor any county shall be divided.

Sec. 8. No person shall be a senator who is under the age of twenty-five years, and have been a resident of the State for four years next before his election, and thereof an inhabitant of the district for which he is elected, unless he shall have been spent on the public business of the States or of this State; and no person elected to the said office after he shall have removed from this State.

Sec. 9. The senators who may be elected after the adoption of the amendments to the constitution shall be divided by lot into three classes. The senators of the first class shall be vacated at the expiration of the first year, the second class at the expiration of the second year, and the third class at the expiration of the third year; so that one-third of the whole number of senators may be chosen every year. The senators elected before the amendments to the constitution shall be adopted shall hold their offices during the terms for which they shall respectively have been elected.

Sec. 10. The general assembly shall meet on the first Tuesday of January in every year, unless sooner convened by the governor.

Sec. 11. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker *pro tempore* when the speaker shall exercise the office of governor.

Sec. 12. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee, to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be provided.

Sec. 13. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free State.

Sec. 14. The legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this commonwealth are, or hereafter may be, empowered to decree a divorce.

Sec. 15. Each house shall keep a journal of its proceedings and publish them weekly, except such part as may require secrecy; and

* See amendment.

and no member of either house shall be an attorney at law and no member of either house shall be a member of the judiciary of this commonwealth, and no member of either house shall be a member of the continuance in Congress or in any other body.

SEC. 20. When vacancies happen in the representation of any district, the governor shall issue writs of election to fill such vacancies.

SEC. 21. All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with amendments as in the case of bills.

SEC. 22. No money shall be drawn from the treasury in consequence of appropriations made by law.

SEC. 23. Every bill which shall have passed both houses shall be presented to the governor; if he approve, he shall sign it, and it shall become a law; if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, who may reconsider it, and proceed to a vote thereon; and if approved by a two-thirds vote of that house, it shall be sent, with the objections, to the other house, and if approved by a two-thirds vote of that house it shall be a law. But in such case the yeas and nays shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sunday excepted) after it shall have been presented to him, it shall be a law in like manner as if approved by the general assembly, by their adjournment, in which case it shall be a law, unless sent back to the house by their next meeting.

SEC. 24. Every order, resolution, or vote to which the assent of both houses may be necessary (except on a question of adjournment) shall be presented to the governor, and he may, in his effect, be approved by him, or being disapproved by two-thirds of both houses, according to the mode prescribed in case of a bill.

Sec. 16. The secretary of the State shall be the keeper of all the official records of the State, and when required, lay the same before the Legislature relative thereto before either house, and perform such other duties as shall be required of him.

ARTICLE IV

OF ELECTIONS

SECTION 1. In elections by the citizens, every male person of the age of twenty-one years, having resided in the election-district where he offers to vote, for a year preceding such election, and within two years last past, paid a tax, which shall have been assessed at his residence, shall enjoy the rights of an elector. And every male person of the United States, who had previously been a qualified elector, removed therefrom and returned, and who has resided in the election-district and paid taxes as aforesaid, shall be entitled to vote after residing in the State six months: And every female person, citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in the election-district ten days as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

SEC. 2. All elections shall be by ballot, and every person, in their representative capacities, who shall vote,

...or acquitted, shall be liable to arrest, imprisonment, and punishment, as if he had been convicted of the crime of which he was acquitted.

...shall be liable to arrest, imprisonment, and punishment, as if he had been convicted of the crime of which he was acquitted.

Section 1. The judicial power shall be vested in a supreme court, in such inferior courts as may from time to time establish.

Sec. 2. The judges of the supreme court, of the courts of common pleas, and of such other courts of record as may be established by law, shall be nominated by the governor, with the consent of the senate, appointed and hold office for fifteen years, if they shall so long behave themselves. The judges of the supreme court shall hold their offices for fifteen years, if they shall so long behave themselves. The associate judges of the courts of common pleas shall hold their offices for the term of five years, if they shall so long behave themselves well. But for any reasonable cause, which shall be a sufficient ground of impeachment, the governor may remove any judge on the address of two-thirds of each branch of the legislature. The judges of the supreme court and the presidents of the courts of common pleas shall, at stated times, receive for their services adequate compensation, to be fixed by law, which shall be paid during their continuance in office, but they shall not receive

SECRET

[illegible]

Sec. 4. Prothonotaries, clerks of the peace and criminal courts, recorders of deeds, registers of wills, and sheriffs, shall be officers in the county-town of the county in which they respectively shall be officers, unless when the governor shall, for special cause, dispense therewith, for any term not exceeding five years after the county shall have been erected.

Sec. 5. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the public seal and signed by the governor.

Sec. 6. A State treasurer shall be elected annually, by joint vote of both branches of the legislature.

Sec. 7. Justices of the peace or aldermen shall be elected in the several wards, boroughs, and townships, at the time of the election of constables, by the qualified voters thereof, in such number as shall be directed by law, and shall be commissioned by the governor for a term of five years. But no township, ward, or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward, or borough.

SECTION 1. The legislature shall provide by law for the establishment in such manner that the poor may

SEC. 2. The arts and sciences and seminaries of learning.

SEC. 3. The rights, privileges, immunities of societies and corporate bodies shall remain as this State had not been altered or diminished.

SEC. 4. The legislature shall not invade the right of individual with the privilege of taking property without requiring such corporation or institution to the owners of said property, or give notice before such property shall be taken.

ARTICLE VIII

OATHS OF OFFICE

Members of the general assembly, and officers of the commonwealth, shall be bound by oath or affirmation to support this commonwealth, and to perform the duties of their offices with fidelity.

[illegible]

Sec. 4. That the elections shall be held on the 1st day of

Case & Trial by Jury

Sec. 1. That the printing-presses shall be free to every person who undertakes to examine the proceedings of the Legislature or any branch of government; and no law shall ever be passed to restrain or abridge the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen has the right to speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecution for the publication of any libel, investigating the official conduct of officers, or men in a public office, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all cases made for libels the jury shall have a right to determine the facts, under the direction of the court, as in other cases.

Sec. 8. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures; that no warrant to search any place, or to seize any person or thing, shall issue without describing them as nearly as may be, and without probable cause, supported by oath or affirmation.

Sec. 9. That in all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face.

great; and the privilege shall not be suspended, unless when the public safety may require it.

Sec. 15. That no commutation shall be issued.

Sec. 16. That the person of a debtor, on the presumption of fraud shall not be seized, nor his estate taken up for the benefit of his creditors; the mode shall be prescribed by law.

Sec. 17. That no *ex post facto* laws, nor retroactive acts, shall be made.

Sec. 18. That no person shall be appointed to the legislature.

Sec. 19. That no attainder shall be made, except during the life of the offender, in the Commonwealth; that the estates of such persons, and their own lives shall descend or vest as in other persons; and no person shall be killed by casualty, without reason thereof.

Sec. 20. That the citizens have a right to assemble together for their common good, and to be vested with the powers of government for other proper purposes, by petition, redress, and

Sec. 21. That the right of the citizens to defend themselves and the State, shall not be questioned.

Sec. 22. That no standing army shall, in time of peace, without the consent of the legislature; and in all cases and at all times, be in strict subordination

shall be submitted to the people of this State voting thereon, and the same shall become a part of the constitution of this State. Amendments shall be submitted to the people of this State in such manner and form as the Legislature shall prescribe. And no amendment to the constitution shall be submitted in such manner and form as to require a vote thereon against each amendment separately and distinctly.

Schedule

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and enacted that—

Section 1. All laws of this commonwealth in force at the time when the said alterations and amendments in the said constitution shall take effect, and not inconsistent therewith, and all rights, privileges, actions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

Section 2. The alterations and amendments in the said constitution shall take effect from the first day of January, eighteen hundred and

shall be submitted to the people in such manner and form as the legislature shall prescribe; and if the people shall approve by such amendment or amendments two-thirds of the whole number of this State voting thereon, such amendment or amendments shall become a part of the constitution, but no amendment or amendments shall be submitted to the people oftener than once in five years. *Provided*, That if more than one amendment be submitted they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly.

SCHEDULE

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained that—

Section 1. All laws of this commonwealth in force at the time when the said alterations and amendments in the said constitution shall take effect, and not inconsistent therewith, and all rights, obligations, actions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

Sec. 2. The alterations and amendments in the said constitution shall take effect from the first day of January, eighteen hundred and thirty-nine.

...the commissions of all the judges who have held their offices for ten years, and amendments to the constitution, shall expire on the seventh day of February next after the end of ten years from the date of their commissions.

SEC. 8. The recorders of the several counties and the recorder of the city of New York shall be appointed for the same term of office as the president judges of the several counties. On the seventh day of February, one thousand eight hundred and forty-one, and the others every two years thereafter, on successive dates; those oldest in date expiring first.

SEC. 9. The legislature, at its first session after the adoption of the constitution, shall divide the other associated judges into four classes. The commissions of those of the first class shall expire on the twenty-seventh day of February, eight hundred and forty-one; of those of the second class on the twenty-seventh day of February, eighteen hundred and forty-two; of those of the third class on the twenty-seventh day of February, eighteen hundred and forty-three; and of those of the fourth class on the twenty-seventh day of February, eighteen hundred and forty-four.

shall first appear upon the
committees shall

decide by lot

Monday of

Art. III. Added: Sec. 4. of this commonwealth shall be a requisition from the authority of this commonw of suffrage in all elections by the are or shall be prescribed by law, their usual place of election.

Art. XI. Added: Sec. 8. No bill containing more than one subject, w except appropriation bills.

Sec. 9. No bill shall be passed by powers or privileges, in any case, where powers or privileges has been or may courts of this commonwealth.

(Ratified 1878)

Strike out the sixth section of the sixth and insert in lieu thereof the following
be chosen by the qualified electors of the
such term of service as shall be prescribed

of appeal to the Commission being given.

Sec. 11. All courts shall be held open to do justice to him in his lands, goods, person by due course of law, and right sale, denial or delay. Suits shall be made in such manner, in such lature may by law direct.

Sec. 12. No power of suspending the Legislature or by its authority.

Sec. 13. Excessive bail shall not be imposed, nor cruel punishments inflicted.

Sec. 14. All prisoners shall be bailable for capital offenses when the proof is not sufficient, and the privilege of the writ of habeas corpus shall not be denied them, unless when in case of rebellion or insurrection, to inquire it.

SEC. 15. No commission of oyer and terminer shall be issued.

SEC. 16. The person of a debtor, with intent of fraud, shall not be continued in insolvency estate for the benefit of his creditors except as prescribed by law.

SEC. 17. No ex post facto law, no
tion of contracts, or making irrevoc-
leges or immunities, shall be passed.

Sec. 22. The Legislature shall not create any new office for a longer term than one year.
Sec. 23. Emigration from this Commonwealth shall be free.
Sec. 24. To guard against transgression of the powers we have delegated, we declare that any law or act that attempts out of the general powers of government that we have delegated shall remain inviolate.

ARTICLE II

THE LEGISLATURE

Sec. 1. The legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

Sec. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Sec. 3. Senators shall be elected for the term of four years and Representatives for the term of two years.

Sec. 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

Sec. 5. Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their

Sec. 11. Each House shall have power to punish its members for disorderly conduct, and to suspend its members from the attendance of its sessions for a period not exceeding thirty days. It shall also have power to expel a member, but not to have all other powers. A member expelled for conduct either House, and punishment shall not bar an indictment for the same.

Sec. 12. Each House shall keep from time to time publish the proceedings, and the yeas and nays of its members, at the desire of any two of them, be entered on its records.

Sec. 13. The sessions of each House shall be open, unless when the business is of a confidential nature.

Sec. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which the two Houses shall be sitting.

Sec. 15. The members of the General Assembly shall, except treason, felony, violation of their oath, or surety of the peace, be privileged from arrest and attendance at the sessions of their respective Houses.

...the several counties of the State, and the population of the State shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives, but no district shall elect more than one representative.

Section 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

ARTICLE III

LEGISLATION

Section 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Section 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

Section 3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Section 4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no

Sec. 19. The General Assembly shall have power to appropriate money for the relief of any person or persons, but such appropriation shall be made only for the relief of such widows and orphans.

Sec. 20. The General Assembly shall have power to create a commission, private corporation or other body to supervise or interfere with any person or persons in the possession of property or effects whether held in fee simple or otherwise, to collect taxes or perform any municipal functions.

Sec. 21. No act of the General Assembly shall be recovered for injuries resulting in death or property; and, in case of death from any cause, an action shall survive, and the General Assembly shall prescribe any limitations of time within which such actions shall be brought against corporations for injuries to persons or property, and causes different from those fixed by general law against natural persons, and such acts now in force shall be provided by law.

Sec. 22. No act of the General Assembly shall be recovered for injuries resulting in death or property; and, in case of death from any cause, an action shall survive, and the General Assembly shall prescribe any limitations of time within which such actions shall be brought against corporations for injuries to persons or property, and causes different from those fixed by general law against natural persons, and such acts now in force shall be provided by law.

Sec. 23. The power to change the venue in any case shall be vested in the courts, to be exercised in accordance with the provisions to be provided by law.

Sec. 24. No obligation or liability of any railroad, held or owned by the Commonwealth, shall be transferred, remitted, postponed or in any way

...shall be in any way influenced by any person or persons, or by any such money or other valuable consideration, or by any such promise, as the Constitution of the State provides, in considering the same, or shall give or withhold his vote in consideration of the payment or promise of any money or other matter of thing, to another, shall be guilty of bribery, within the meaning of this Constitution, and shall be punished as provided thereby for said offense, and with such other punishment as is or shall be provided by law.

Sec. 30. Any person who shall directly or indirectly, by promise, any money, or thing of value, to any executive or judicial officer of the General Assembly, to influence him in the performance of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 31. The offense of corrupt solicitation of members of the General Assembly or of public officers of the State or of any department or division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Sec. 32. Any person may be compelled to testify in any criminal investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except

the person having the highest number of votes, but if two or more be equal, and no other person chosen Governor by the joint vote of the two Houses. Contested elections shall be determined by a vote from both Houses of the General Assembly, to be taken in such manner as shall be directed by law.

SEC. 3. The Governor shall hold his office from the third Tuesday of January next ensuing until the next succeeding January, and shall be eligible to the office for the next succeeding term.

SEC. 4. A Lieutenant Governor shall be chosen in the same manner, for the same term, and shall exercise the same powers and prerogatives as the Governor; he shall be President of the Senate, and shall have no vote unless they be equally divided.

SEC. 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who have attained the age of thirty years, and have, preceding his election an inhabitant of the State, and who have not been absent on the public business of the United States for more than six months.

SEC. 6. No member of Congress or person holding any office in the United States or this State shall exercise the powers of Governor or Lieutenant Governor.

SEC. 7. The Governor shall be commander-in-chief of the land and navy of the Commonwealth, and of the militia, and shall be called into the actual service of the United States.

SEC. 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, shall appoint and remove all officers and judges of the State.

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10. The tenth part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements.

and the Secretary of the Commonwealth shall be notified of the same, and the reasons therefor at length shall be recorded and filed in the office of the Secretary of the Commonwealth. CIVIL - 506

Sec. 10. He may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

Sec. 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

Sec. 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses, may recess to the time of adjournment, adjourn them to such time and place as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.

Sec. 18. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

Sec. 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder

Sec. 16. The Governor shall see that all bills of the State are duly passed and signed, and that no bill shall become a law, and the term or terms of any bill shall be void, unless it be passed according to the mode prescribed for the passage of bills.

Sec. 17. The Chief Justice of the Supreme Court shall, upon trial of any contested election of Governor, and shall decide questions of law and equity, and shall, upon request of the Governor, or upon other questions of law involving the Governor and Lieutenant Governor shall exercise the powers of the offices until their successors shall be duly elected.

Sec. 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and shall be required lay the same, with all papers, minutes and reports thereunto, before either branch of the General Assembly, and shall perform such other duties as may be enjoined upon him.

Sec. 19. The Secretary of Internal Affairs shall exercise the powers and perform all the duties of the office, and shall be subject to such changes as shall be made by law. He shall organize a bureau of industrial statistics, and shall perform all duties relating to corporations, to the chartering of banks, agricultural, manufacturing, mining, mineral, and other material or business interests of the State as may be required by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Section 1. The judicial power of the Commonwealth shall be vested in a Supreme Court, and in such inferior courts as the General Assembly may from time to time create and organize, subject to the provisions of this article. The judges of the Supreme Court shall hold office for the term of twenty-two years, and shall be eligible for re-election. The first commission shall first expire shall be chief justice, and the judge whose commission shall first expire shall be chief justice.

Section 2. The jurisdiction of the Supreme Court shall extend to all cases in law and equity, and the judges thereof shall, by virtue of their office, have power of over and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of habeas corpus, of writs of mandamus, of writs of prohibition, and of quo warrantos, and of all cases in which a corporation is a party defendant, of actions ex parte, of actions of assumpsit, and of all cases in which the jurisdiction is conferred by the Commonwealth whose jurisdiction extends over the whole, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, certiorari or writ of error in all cases, as is now or may hereafter be provided by law.

Section 3. Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; and more than four counties shall, at any time, be included in one judicial district organized for said courts.

Section 4. Whenever a county shall contain forty thousand inhabitants, it shall constitute a separate judicial district, and shall elect one judge as provided in the law; and the General Assembly shall provide for associate judges, as the business of the said districts may require. Districts containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in

...of ...
...and the ...
...therein, subject to change
by law.

Sec. 2. For Philadelphia there shall be a prothonotary for all said courts of record, and to hold office for the term of years as may be necessary and by law and his assistants shall receive salary by law and paid by said county; all costs and charges such as may be by law due to the prothonotary into the county shall be paid by the prothonotary into the county into separate dockets, except the judgments and fines of all the courts directed by law.

Sec. 3. The said courts in the counties of ... respectively, shall, from time to time, direct their judges to hold the courts of ... of quarter sessions of the peace of said ... as may be directed by law.

Sec. 4. Judges of the courts of common pleas shall have judges of the courts of over and terminer the peace and general jail delivery, and of the criminal matters within their respective districts shall be just.

Sec. 10. The judges of the courts of common pleas shall have power to issue writs in their respective counties.

Sec. 12. In Philadelphia, the court of common pleas shall be held by magistrates chosen by the qualified electors of the city, and they shall be elected at large; and in the election of the magistrates, the vote for more than two-thirds of the electors shall be required when more than one are to be chosen, and they shall be paid only by fixed salaries, to be paid by the city, and shall exercise such jurisdiction, civil and criminal, as is now exercised by aldermen, subject to such changes, including an increase of civil jurisdiction as may be made by law. In Philadelphia the office of recorder is abolished.

Sec. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

Sec. 14. In all cases of summary conviction in this Commonwealth, of judgment in suit for a penalty before a magistrate, or court of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Sec. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Sec. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Sec. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify

shall be provided by law. The exclusive jurisdiction of all courts created or hereafter created therein, subject to changes of jurisdiction by law.

Sec. 7. For Philadelphia there shall be one clerk and one prothonotary for all said courts, to be elected by a majority of the said judges; the said clerk shall have such assistants as may be necessary, and he and his assistants shall receive salaries fixed by law and paid by said county; all fees shall be except such as may be by law due to the clerk, to be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judges' docket, which shall contain the judgments and liens of all the courts, as directed by law.

Sec. 8. The said courts in the counties of Allegheny, respectively, shall, from time to time, appoint more of their judges to hold the courts of common pleas and courts of quarter sessions of the peace of said counties as may be directed by law.

Sec. 9. Judges of the courts of common pleas shall be judges of the courts of oyer and terminer, of the peace and general jail delivery, and of all courts within their respective districts shall be judges in all criminal matters.

Sec. 10. The judges of the courts of common pleas in their respective counties, shall have power to issue writs

with jurisdiction not exceeding one hundred dollars shall be held by magistrates chosen by the electors of the county, and they shall be elected at large, and in the election of the county at large, not more than two-thirds of the electors shall vote when more than one are to be chosen; and they shall hold only by fixed salaries, to be paid by the county, and shall exercise such jurisdiction, civil and criminal, as is now exercised by aldermen, subject to such amendments involving an increase of civil jurisdiction or conferring jurisdiction as may be made by law. In Philadelphia the office of alderman is abolished.

Sec. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

Sec. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Sec. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Sec. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Sec. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify

shall be held by magistrates, and they shall be elected at large, and in the election there shall be more than two-thirds of the voters present, when more than one are to be chosen, and they shall be paid only by fixed salaries to be fixed by law, and shall exercise such jurisdiction, civil and criminal, as is now exercised by aldermen, subject to such increase of civil jurisdiction as may be made by law. In Philadelphia, the office of alderman is abolished.

Sec. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

Sec. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court on review, or upon cause shown.

Sec. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

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shall be provided by law. In all cases the exclusive jurisdiction of all courts shall be provided by law, subject to the provisions of law.

Sec. 7. For Philadelphia there shall be one clerk and one prothonotary for all said courts, to be elected by a majority of the said judges; the said clerk shall have such assistants as may be necessary, and he and his assistants shall receive salaries as provided by law and paid by said county; all fees shall be paid by the prothonotary into the county treasury, except such as may be by law due to the courts; the said courts shall have its separate dockets, except the judgments and liens of all the courts shall be directed by law.

Sec. 8. The said courts in the counties of Berks, Lehigh, and Luzerne, respectively, shall, from time to time, have more of their judges to hold the courts of quarter sessions of the peace of said counties, as may be directed by law.

Sec. 9. Judges of the courts of common pleas shall be judges of the courts of oyer and terminer, of the peace and general jail delivery, and of the courts within their respective districts shall be judges in criminal matters.

Sec. 10. The judges of the courts of common pleas in their respective counties, shall have power to issue

with jurisdiction not less than that of the county courts shall be held by magistrates in each county, and they shall be elected by the qualified electors of each county for more than two-thirds of the voters of each county, when more than one are to be chosen, and shall be paid only by fixed salaries, to be fixed by law, for the exercise of such jurisdiction, civil and criminal, as may be exercised as now exercised by a barren, subject to such increase of civil jurisdiction or extension of criminal jurisdiction as may be made by law. In Philadelphia the office of recorder is abolished.

Sec. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

Sec. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge, or upon cause shown.

Sec. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Sec. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Sec. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify

shall be provided by law. In all cases the exclusive jurisdiction of all courts shall be provided by law. In all cases the exclusive jurisdiction of all courts shall be provided by law.

Sec. 7. For Philadelphia there shall be one clerk and one prothonotary for all said courts, to be chosen by a majority of the said judges; the said clerk shall have such assistants as may be necessary and he and his assistants shall receive salaries by law and paid by said county; all fees except such as may be by law due to the clerk shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgments and liens of all the courts shall be directed by law.

Sec. 8. The said courts in the counties of Berks, Lehigh, and Luzerne, respectively, shall, from time to time, have more of their judges to hold the courts of quarter sessions of the peace of said counties as may be directed by law.

Sec. 9. Judges of the courts of common pleas shall be judges of the courts of oyer and terminer of the peace and general jail delivery, and of the courts of quarter sessions of the peace within their respective districts shall be jurisdiction in criminal matters.

Sec. 10. The judges of the courts of common pleas in their respective counties, shall have power to issue

Sec. 22. In every county containing more than one hundred and fifty thousand inhabitants, the judges of such county may, at their discretion, appoint one or more judges who shall be sworn to and shall exercise all the jurisdiction and powers now exercised hereafter be conferred upon the judges of such county, in orphans' court proceedings. In any county in which a separate orphans' court is not established, the register of wills shall be clerk of such court, under the directions, in all matters pertaining to the court, and assistant clerks, but only with the consent of the court. All accounts filed with him as clerk of said separate orphans' court shall be audited at the expense to parties, except where all parties to a proceeding shall nominate an auditor with the consent of the court, in the discretion of the court. In every county orphans' courts shall have all the powers and jurisdiction of a register's court, and the registers' courts are hereby abolished.

Sec. 23. The style of all process shall be "In the name of the Commonwealth of Pennsylvania." All prosecutions shall be commenced and by the authority of the Commonwealth, and shall conclude "against the peace and dignity of the Commonwealth."

Sec. 24. In all cases of felonious homicide, and in all cases as may be provided for by law, the judge, or judges, and sentence, may remove the indictment, record and proceedings to the Supreme Court for review.

The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment on impeachment shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed by the Legislature on misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the body by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, members of the General Assembly and judges of the courts of record created by the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII

OATH OF OFFICE

SECTION 1. Senators and Representatives and all judicial State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do

SOFFERMAN

COLLEGE

- terms**

CONCLUSIONS

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* As amended November 5, 1901. For original

any money, reward or other valuable consideration for giving or withholding the same at an election, or for promising to give such consideration to any elector for such elector's vote or for the vote of any elector, who shall receive or agree to receive any money, reward or other valuable consideration for giving or withholding the same at an election, or for withholding the same shall thereby be disqualified from voting at such election, and any elector whose right to vote shall be challenged for such cause before the election returns, shall be required to swear or affirm that the matter of the challenge is true before his vote shall be received.

§ 9. Any person who shall, while a candidate for election, be convicted of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth: and any person convicted of wilful violation of any election law shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

§ 10. In trials of contested elections and in proceedings for the regulation of elections, no person shall be permitted to withhold testimony upon the ground that it may criminate himself or expose him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

§ 11. Townships and wards of cities or boroughs, shall form no more than one election district of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of more than one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next succeeding election more than two hundred and fifty votes shall have

Sec. 15. No person shall be appointed or employed in any office of the United States, or of this State, or of any municipal board, commission, or board of the peace and aldermen; nor shall any person be appointed or employed in militia service of the State; nor shall any person be appointed or employed in any civil office to be filled at an election, save only to such subordinate municipal grade of city or county offices, as shall be provided by law.

Sec. 16. The courts of common pleas of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election, to appoint election officers and to make report to the courts of common pleas of the Commonwealth such appointments to be made for any election, upon petition of five citizens, lawful voters, setting forth that such appointment is necessary to secure the purity and fairness of elections; and the number for an election district, shall be reduced to be persons qualified to serve upon election, and members of different political parties; when the election board shall differ in opinion the overseers, agreed thereon, shall decide the question of the appointment of overseers of election all the law judges of the courts of common pleas of the Commonwealth shall act at the time, shall concur in the appointment.

Sec. 17. The trial and determination of controversies of President and Vice President, members of the General Assembly, and of all public officers, whether State or Federal, shall be determined by the courts of common pleas of the Commonwealth.

be used or applied otherwise than as provided in this act.

Sec. 12. The moneys of the sinking fund, shall be used in the payment of the principal of the debt directly or through the sinking fund. The fund shall never be invested in any other thing, except the bonds of the United States.

Sec. 13. The moneys held as reserve shall be held in accordance with the law to the amount required for current expenses and kept as may be provided by law. A report shall be published showing the amount of such moneys deposited, and how secured.

Sec. 14. The making profit out of the moneys of the State for any purpose not authorized by law, by any State, or member or officer of the General Assembly, shall be deemed a misdemeanor and shall be punished as may be provided by law. Any person guilty of such punishment shall be disqualified from holding office for not less than five years.

ARTICLE X

EDUCATION

SECTION 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools wherein all the children of this Commonwealth between the ages of five years may be educated, and shall appropriate not less than one dollar for each child each year for that purpose.

Sec. 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

shall be eligible for election as a member of Congress, or as a member of either House of the United States, shall be ineligible for election to this State to which a salary is attached. The General Assembly may by law declare that any person who shall fight a duel or send a challenge, or be aider or abettor in fighting a duel, shall be disqualified from the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII

NEW COUNTIES

Section 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less than four hundred square miles, or containing a less population; nor shall any line thereof be within ten miles of the county seat of any county proposed to be changed.

ARTICLE XIV

COUNTY OFFICERS

Section 1. County officers shall consist of sheriffs, coroners, probate judges, registers of wills, recorders of deeds, commissioners of highways, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the office next succeeding the one for which he may be elected.

Section 2. County officers shall be elected at the general elections and shall hold their offices for the term of three years, beginning on the

Sec. 1. Three county commissioners shall be elected in each county, to serve for two years, the first thousand eight hundred and eighty-four; and in the election thereafter; and in the election thereafter shall vote for no more than two persons, the highest number of votes shall elect to the office of county commissioner; and by the court of common pleas of the county shall occur, by the appointment of an elector who shall have voted for the commissioner to be filled.

ARTICLE XV

CITIES AND CITY CHARTERS

SECTION 1. Cities may be chartered by electors of any town or borough having a thousand shall vote at any general election.

SEC. 2. No debt shall be contracted or by municipal commission, except in pursuance of previously made therefor by the municipal commission.

SEC. 3. Every city shall create a sinking fund, and shall be liable for the payment of its funds.

ARTICLE XVI

PRIVATE CORPORATIONS

SECTION 1. All existing charters, or grants of privileges, under which a bona fide organization

...shall have the power to alter, re-
vise or annul any charter of incorporation now existing and revok-
able at the adoption of this Constitution, or any that may hereafter
be granted, whenever in their opinion it may be injurious to the citi-
zens of this Commonwealth, in such manner, however, that no injus-

...the corporation shall have the right to take any land or
other property or money or property belonging to any person or
estate of stock or indebtedness shall be sold. The amount of
the stock of corporations shall not be increased except in pursu-
ance of law, nor without the consent of the General Assembly.
The amount in value of the stock first obtained at a meeting
held after sixty days' notice given in pursuance of law.
Section 8. Municipal and other corporations and individuals shall
not have the privilege of taking private property for public use
without just compensation for property taken, injured or destroyed
in the construction or enlargement of their works, highways or
improvements, which compensation shall be paid or secured before
any taking, injury or destruction. The General Assembly is pro-
hibited from depriving any person of an appeal from any
assessment of damages against any such corporations or
persons made by viewers or otherwise; and the amount of such
damages in all cases of appeal shall on the demand of either party
be determined by a jury according to the course of the common law.

Section 9. Every banking law shall provide for the registry and
countersigning, by an officer of the State, of all notes or bills designed
for circulation, and that ample security to the full amount thereof
shall be deposited with the Auditor General for the redemption of
such notes or bills.

Section 10. The General Assembly shall have the power to alter, re-
vise or annul any charter of incorporation now existing and revok-
able at the adoption of this Constitution, or any that may hereafter
be granted, whenever in their opinion it may be injurious to the citi-
zens of this Commonwealth, in such manner, however, that no injus-

Section 1. All railroads, associations or corporations having the right to construct and operate within this State, and to connect with railroads in other States. Every railroad company shall be required to intersect, connect with, and receive and transport each passenger, loaded or empty, without delay.

Sec. 2. Every railroad and company shall maintain an office in this State where its books shall be made, and where its books shall show the amount of capital stock subscribed, the names of the owners of its stock, and respectively, the transfers of said stock, and the residence of its officers.

Sec. 3. All individuals, associations, and companies shall have equal right to have persons and property transported by railroads and canals, and no undue or unreasonable charges shall be made in charges, for, or in facilities for the transportation of persons or passengers within the State or coming to the State. Persons and property transported shall be delivered at any station at charges not exceeding the transportation of persons and property of the same class in the same direction to any more distant station; but excursion tickets may be issued at special rates.

1. No discrimination in the rates of charges made between transportation companies, or other, by steamship, canal company, or any other company, in any particular or in any branch of its business.

2. No railroad, railway or other transportation company, or person, or persons, as a discount for any business of the company.

3. No street passenger railway, or other transportation company, of any city, borough or town, shall be authorized to operate in any city, borough or town.

4. No railroad, canal or other transportation company, at the time of the adoption of this article, shall be authorized to operate in any city, borough or town.

5. Any future legislation by general or special law, or by any other authority, shall be subject to the approval of complete acceptance of all the provisions of this article.

6. The existing powers and duties of the Auditor General, in relation to railroads, canals and other transportation companies, and to their accounts, are hereby transferred to the Secretary of the General Affairs, who shall have a general supervision over them, and to such regulations and alterations as shall be provided by the General Assembly, and, in addition to the annual reports now required to be made, the Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or person thereof.

7. The General Assembly shall enforce by appropriate legislation the provisions of this article.

...in such manner as may be determined by the Commission.
...and in the election of the Commission.
...complete operation, than two years.

Section 1. This Commission shall be organized on January, in the year one thousand eight hundred and seventy-five, for all purposes not otherwise provided for.

Sec. 2. All laws in force at the adoption of this Constitution shall continue in force until the rights, actions, prosecutions and judgments of the Commission had not been completed.

Sec. 3. At the general election of the year one thousand eight hundred and seventy-four and one hundred and seventy-five, Senators shall be elected in the several districts. Those elected in the year one thousand eight hundred and seventy-four shall serve for one year. Senators now elected and those elected in the year one thousand eight hundred and seventy-five shall represent the district in which they were elected for the terms for which they were elected.

Sec. 4. At the general election in the year one thousand eight hundred and seventy-six, Senators shall be elected in the several districts to serve for two years, and in the year one thousand eight hundred and seventy-seven, Senators shall be elected in the several districts to serve for four years.

Sec. 5. The first election of Governor shall be at the general election in the year one thousand eight hundred and seventy-five, when a Governor shall be elected.

THE UNIVERSITY OF CHICAGO

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THE UNIVERSITY OF CHICAGO

12. The register's current date is the date of the first day of January next occurring after the date of the

13. The General Assembly shall at the next session after the adoption of this Constitution, designate the several judicial districts created by this Constitution. The judges in commission shall be designated by the General Assembly, and their designation shall be made shall continue during their entire term of office of the new districts in which they reside; but, when there are two judges residing in the same district, the president judge shall determine to which district he shall be assigned, and the additional judge shall be assigned to the other district.

14. The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several districts as required by this Constitution.

11. Judges learned in the law of any court of record holding commissions in force at the adoption of this Constitution shall continue in their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the first criminal jurisdiction for the counties of Schuylkill, Berks and Dauphin as a judge of the court of common pleas of Schuylkill county, for the unexpired term of his office.

Pierce and Fessenden; and one other judge to be chosen by the Legislature, Finley, Finkler and Thayer, Briggs and one other named shall be the presidents thereof; thereafter the president judge shall continue to be president judge for courts numbers two and three; the first general election after the same shall be held in the same manner as the two additional judges and they shall decide by lot to what term of office shall commence on the year one thousand eight hundred and

Sec. 19. In the county of Allegheny, organization under this Constitution, the judges, at the time of the adoption of the constitution, shall be the judges of the court number one, and at the same date, shall be the judges of the court number two. The president judges of the common pleas shall continue to be president judges of said courts number one and two until their offices shall end; and thereafter the president judge of said courts number one shall be president judge; but no two judges in the same court or district, shall continue in office more than one year thereof.

SEC. 20. The organization of the courts.
Constitution for the counties of Philadelphia

he shall have immediately preceding the election

Third. He shall have offered to vote at least two months

Fourth. If twenty-two years of age within two years a State or county at least two months and paid at

* * *

Sec. 4. All elections by the ballot lot shall be numbered in the order of the number recorded by the election official opposite the name of the elector who may write his name upon his ticket thereon and attested by a citizen of the State shall be sworn or affirmed not to disqualify himself unless required to do so as witness

* * *

Sec. 7. All laws regulating the holding of elections or for the registration of electors, shall be in force in this State, but no elector shall be deprived of the right to vote on reason of his name not being registered.

John R. Day, Clerk
and Whitlaw Hall
for Mary and
Regina Hunter
Shon+enters the
matter of the Crown
and de Gernice, I
Court;

Executive Committee, Executive
Council, and the President
of the United States, Gen.
C. having assembled
in which were found
the of the matters

SECRET

Spain relinquishes all claim of sovereignty over and title to Cuba and to the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

The United States will, upon the exchange of the ratifications of the present treaty, send back to Spain, at its own cost, the prisoners of war on the capture of Manila, along the line of the railway, and the hospital and the cost of the evacuation of the islands in the West Indies, under the present treaty, which is to continue in force till its execution.

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Article

The United States will, upon the exchange of the ratifications of the present treaty, send back to Spain, at its own cost, the prisoners of war on the capture of Manila, along the line of the railway, and the hospital and the cost of the evacuation of the islands in the West Indies, under the present treaty, which is to continue in force till its execution.

The time within which the evacuation of the islands in the West Indies, under the present treaty, which is to continue in force till its execution.

with the provisions of the laws of the Crown of Spain, and in the Archipelago, all the buildings, wharves, harbors, public highways and other immovable property, with law, belong to the public domain, and are the property of the Crown of Spain.

It is hereby declared that the relinquishment of such property may be, to which the preceding paragraph refers, shall not impair the property or rights which by law belong to the possession of property of all kinds, of the public or private establishments, ecclesiastical or civil, or other associations having legal capacity to acquire and possess in the aforesaid territories renounced or ceded, or individuals, of whatsoever nationality such individuals

able to other foreign powers, they may preserve their allegiance until before a court of record; and in case of ratifications of this treaty, they may serve such allegiance; in case they are held to have renounced it, they may reside in the territory in which they may reside.

The civil rights and political rights in the territories hereby ceded to the United States shall be the same as those enjoyed by the people of the States by the Congress.

ARTICLE II

The inhabitants of the territories hereby ceded or cedes her sovereignty shall be secured in their religion.

ARTICLE III

The Spaniards residing in the territories hereby ceded or relinquishes her sovereignty shall be civil as well as criminal to the jurisdiction of the courts wherein they reside, pursuant to the laws of the same; and they shall have the right to sue and to pursue the same course as citizens of the United States in the courts belong.

of all port charges, including anchorage, wharfage, and tonnage duties, as it accords to the other party not engaged in the coastwise trade. This privilege may at any time be terminated on six months' notice by either Government to the other.

Article XVI

That any obligations assumed in this treaty by the Government of the United States with respect to Cuba are limited to the time of the

for the guidance of the
the Philippine Islands.
Very respectfully,
H. A. HARRIS

Hon. WILLIAM H. TAFT, President
President Board of Commissioners

SIR: In the message transmitted December, 1899, I said, speaking of the insurrection as the insurrection continues the supreme. But there is no reason why time to time to inaugurate government form as fast as territory is held and to this end I am considering the advisability mission, or such of the members thereof existing authorities and facilitate this

To give effect to the intention thus
Hon. William H. Taft, of Ohio, Prof. I
igan, Hon. Luke E. Wright, of Tennessee
Vermont, and Prof. Bernard Moses, of

...with the 1st day of September, 1900, the authority
...to my approval, through the Secretary of War, the
...of government in the Philippine Islands, the
...nature is to be transferred from the military govern-
...to this commission, to be thereafter exercised by the
...and stand of the military governor, under such rules
...as you shall prescribe, until the establishment of a
...government for the islands contemplated in the last-mentioned
...until Congress shall otherwise provide. Exercise of
...authority will include the making of rules and orders,
...of law, for the raising of revenue by taxes, customs
...; the appropriation and expenditure of public
...; the establishment of an educational system

such military power as may be necessary for the suppression of insurrection, and for the maintenance of law and order on the island. In the event of the call of the civil authorities for the aid of the military forces shall be given, and the enforcement of the laws of the municipal governments the same shall be the work the governments established by his order of August 8, 1899, and constituted by the military government, to formulate and report a plan of government to his honor Cayetano Arellano, president of the man, and they will give to the central government and consideration which the high character of its members justify. In the event of provincial governments they will give to the central government of the island of Negros, and to the people of that island, under the authority of July 22, 1899, and after verifying, and the reports of the successful working of the same, be guided by the experience thus acquired, and cable to the conditions existing in other islands. They will avail themselves, to the fullest extent, of the conclusions reached by the previous commission.

[The text in this section is extremely faint and illegible due to heavy noise and low contrast in the scan. It appears to be a long paragraph of text.]

...the establishment of the ...
...government. At the same time ...
...the people of the ...
...that there are certain ...
...which have been made the basis of our ...
...we deem essential to the rule of law and ...
...freedom, and of which they have, ...
...the experience possessed by us; that there are ...
...of government which we have found to be ...
...of these great principles of liberty and law, and ...
...principles and these rules of government must be ...
...in their islands for the sake of their liberty ...
...however much they may conflict with the customs or

for any part of the proceeds of a just settlement of the claims which have caused strife and dissension; and in this duty the commission is bound to have regard for substantial equities and localities so far as substantial equities are concerned. The following rules: That the protection of the United States to the protection of the island and as well the principle of our government of private property without compensation shall be violated; that the welfare of the people shall be a paramount consideration, shall be a paramount consideration, shall be a paramount consideration; that if it be in the interest of the people of the island that the commission finds to be not in the position shall be made thereof by doing so; that there shall be full opportunity for fair and equitable treatment; that if the same public interests and property rights lawfully acquired and shall be made out of the public treasury thereof and no minister of religion shall be forced upon any citizen of the island; that, upon

[The following text is extremely faint and illegible due to heavy noise and low contrast in the original document. It appears to be a long paragraph of text.]

...in peace and contentment, surrounded by
...who are unable or unwilling to conform...
...however, be subjected to want and...
...unlike or petty interference...
...to prevent barbarous practices...
...officers and employees of the United States...
...should be impressed a sense of the duty to...
...but the personal and social rights of the people...
...and to treat them with the same courtesy and respect...
...personal dignity which the people of the United States are...
...to require from each other.

...in the Military Governor, with the advice and consent of the Senate of the United States, the Military Governor of the Philippines is hereby authorized to appoint, on and after the said 4th day of July, of the year one thousand nine hundred and five, to the office of District Attorney, in the districts described, but his authority will continue in force, as heretofore, in those districts in which American jurisdiction of the United States continues to exist, until the expiration of such term, subject to the approval of the Senate of the United States.

approved, ratified, and confirmed, and the law the said Islands shall be governed by the provisions of section eighteen hundred and one of the Statutes of eighteen hundred and one of the Philippine Islands.

Future appointments of civil officers of the said Commission and heads of executive departments by the President, by and with the advice and consent of the Senate.

SEC. 2. That the action of the President heretofore taken by virtue of the authority vested in him by the President, by and with the advice and consent of the Senate, as Chief of the Army and Navy, as provided in the twelfth, eighteen hundred and ninety-two, and the duties and taxes as set forth by said order, collected at all ports and places in the Philippines, into the occupation and possession of the Islands, together with the subsequent amendments thereto, approved, ratified, and confirmed, and the laws of the government of the Philippine Islands, in conformity with the provisions of said order and amendments.

...shall not be required, nor excessive fine, imprisonment and unusual punishment inflicted, nor shall the right to be secure against unreasonable searches and seizures be violated.

language or to the use of any
industrial and social machinery
for each island, such provision
sion, as the President and
Provided, That the President
mission, in his discretion, employ
in compiling and promulgating
vided for, and may commit to
such labor as to him may seem

SEC. 7. That two years after the
census, in case such condition of
recognition of the authority of the
ued in the territory of said Islands
non-Christian tribes and such facts
President by the Philippine Commis
satisfied thereof shall direct said Com
mission shall call, a general election
popular assembly of the people of said
Islands, which shall be known as the Philippine
assembly shall have convened and organ
heretofore conferred on the Philippine
of said Islands not inhabited by Moros

[The following text is extremely faint and illegible due to heavy noise and low contrast in the scan. It appears to be a long, multi-paragraph document.]

...shall be entitled to a salary payable monthly by the
...by all departments upon presentation to the President
...election by the civil governor of said islands, and
...shall be entitled to a salary payable monthly by the

or otherwise may, and shall be, affirmed by said Supreme Court by writ of error by the parties, and by the same regulations, and by the same as the final judgments and decrees of the States.

Sec. 11. That the government is authorized to provide for the needs of harbors and navigable waters of said islands, and to maintain in said navigable waters and in bonded warehouses, wharves, piers, saving stations, buoys, and like installations, and to adopt and enforce regulations in regard to the use of said bonded warehouses wherein articles not intended for export from said islands nor mingled with the property of said islands for reshipment to another port, and deposited in bond and reshipped to another port, are exempt from payment of customs duties or charges.

Sec. 12. That all the property and rights acquired in the Philippine Islands by the

...of the public domain, other than the lands and interests of the United States in said islands as it may hereafter be determined by the Congress of the United States, shall be granted or sold to any person or corporation or association of persons: *Provided*, That the grant of such lands, whether the purchase price be paid at once or in installments, shall be conditioned upon actual and continuous occupancy, improvement, and cultivation of the premises sold during a period of not less than five years, during which time the purchaser shall not alienate or encumber said land or the title thereto; but this restriction shall not apply to transfers of rights and title to the land under the laws for the distribution of the estates of deceased persons.

SEC. 10. That in granting or selling any part of the public domain under the provisions of the last preceding section, preference in all cases shall be given to actual occupants and settlers; and such public

reserved on islands under the provisions of this Act, no person or persons holding title to land shall exceed four hectares in extent, and the provisions of this Act shall apply.

SEC. 19. That the boundaries and the limit of all rights in the land of said islands is hereby established, and regulations for the use of water on public lands for the protection of public purposes not in conflict with the public good may be deemed best for the public good.

MINERALS

SEC. 20. That in all cases public lands valuable for minerals shall be reserved, and the use of the same shall be regulated as expressly directed by law.

SEC. 21. That all valuable minerals in the Philippine Islands, both surveyed and unsurveyed, shall be free and open to exploration, and the land in which they are found shall be open to the citizens of the United States, or of any other country, when on any lands in said islands entered under the provisions of this Act.

GOVERNMENT
OF THE

PHILIPPINES

MINES ACT

SECTION 24

That a mineral claim shall be located by

posting as possible on the line of the boundary

the numbered one and two, and the distance between

one and two shall not exceed one thousand feet

the posts numbered one and two to be known as the

posts numbered one and two shall be written on

the mineral claim, the name of the locator, and the area

of the claim. Upon posts numbered one and two shall be written

the foregoing: Initial post, the name of the locator,

post numbered two, and a statement of the area of the

claim to the right and to the left of the line between

post numbered two, then: Initial post, the name of the

locator, and two. _____ feet of the claim to the

left of the line from number one to number two. _____

particulars required to be put on posts numbered one and two

posts shall be furnished by the locator to the provincial recorder

or other officer as by the Philippine government may be directed

and the recorder, in writing, at the time the claim is recorded, shall

form a part of the record of such claim.

Sec. 24. That when a claim has been located the locator shall

distinctly mark the line between posts numbered one and two so that

it can be distinctly seen. The locator shall also place a post at the

point where he has found minerals in place, on which shall be written

"Discovery post." Provided, That when the claim is surveyed the

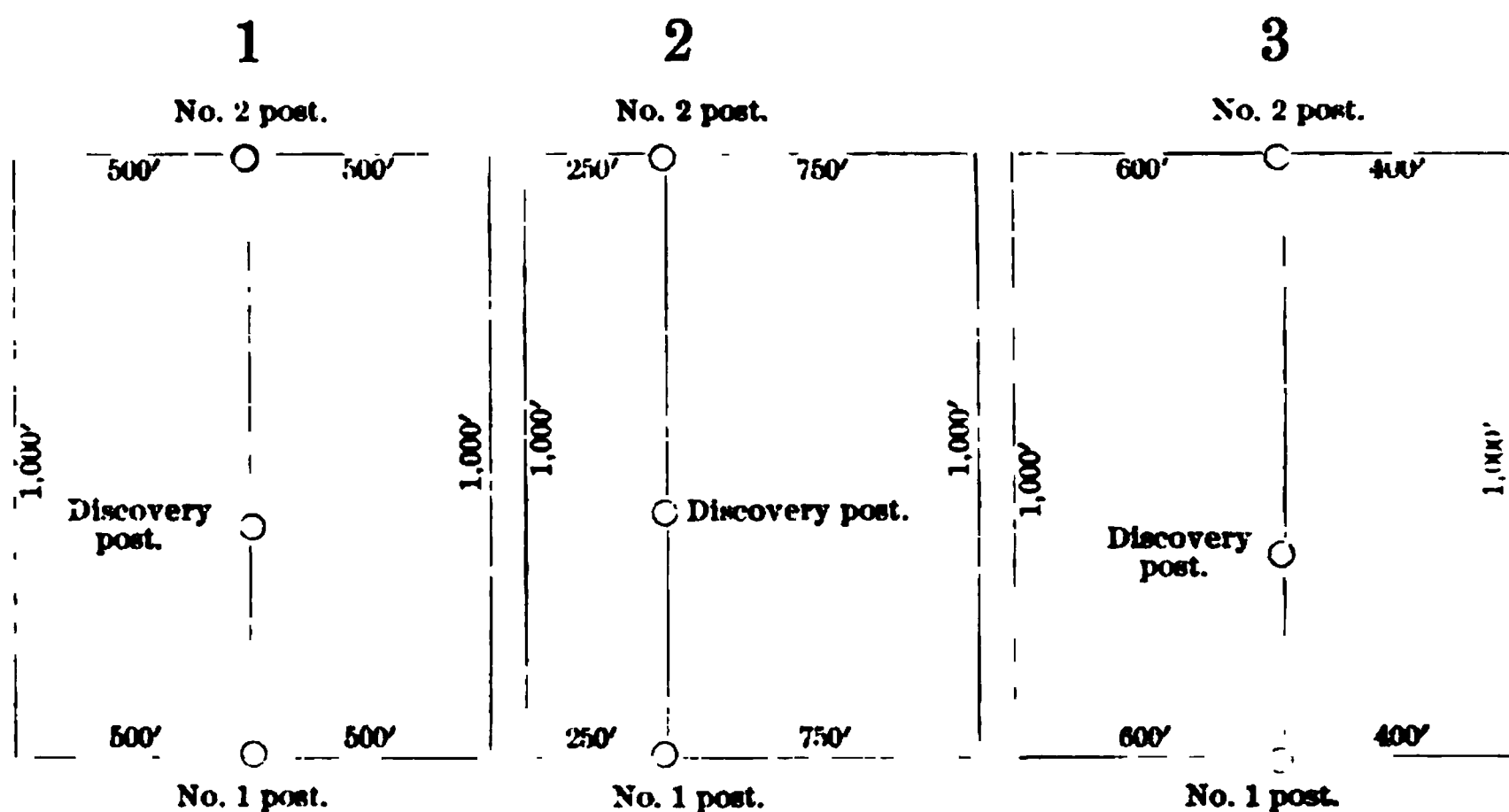
surveyor shall be guided by the records of the claim, the claim plat

on the back of the declaration made by the owner when the claim was

recorded, posts numbered one and two, and the notice on number one,

the initial post.

EXAMPLES OF VARIOUS MODES OF LAYING OUT CLAIMS



SEC. 25. That it shall not be lawful to move number one post, but number two post may be moved by the deputy mineral surveyor when the distance between posts numbered one and two exceeds one thousand feet, in order to place number two post one thousand feet from number one post on the line of location. When the distance between posts numbered one and two is less than one thousand feet the deputy mineral surveyor shall have no authority to extend the claim beyond number two.

SEC. 26. That the "location line" shall govern the direction of one side of the claim, upon which the survey shall be extended according to this Act.

SEC. 27. That the holder of a mineral claim shall be entitled to all minerals which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downward: *Provided*, That this Act shall not prejudice the rights of claim owners nor claim holders whose claims have been located under existing laws prior to this Act.

SEC. 28. That no mineral claim of the full size shall be recorded without the application being accompanied by an affidavit made by the applicant or some person on his behalf cognizant of the facts—that the legal notices and posts have been put up; that mineral has been found in place on the claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the number one and number two posts shall be set out in full, and as accurate a description as possible of the position of the claim given with reference to some natural object or permanent monuments.

SEC. 29. That no mineral claim which at the date of its record is known by the locator to be less than a full-sized mineral claim shall be recorded without the word "fraction" being added to the name of the claim, and the application being accompanied by an affidavit or solemn declaration made by the applicant or some person on his behalf cognizant of the facts: That the legal posts and notices have

...shall be deemed to have been abandoned: provided, however, that if any dispute as to the location of any claim shall be recognized according to the provisions of such location subject to any question as to the validity of such claim itself and subject to the holder having complied with all the provisions and conditions of this Act.

Sec. 33. That no holder shall be entitled to hold in his, her, or their own name or in the name of any other person, corporation, or association more than one mineral claim on the same vein or lode.

Sec. 34. That a holder may at any time abandon any mineral claim by filing in writing, of such intention to abandon, to the territorial secretary or such other officer as by the government of the territory may be described as mining recorder; and from the date of the record of such notice all his interest in such claim shall be deemed to have been abandoned.

Sec. 35. That proof of citizenship under the clauses of this Act for the purpose of mineral lands may consist, in the case of an individual, of an affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his

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28. The applicant for mineral patents, if residing beyond the limits of the civil or military department wherein the claim is made, may make the oath or affidavit required for proof of discovery before the clerk of any court of record, or before any judge of any province of the Philippine Islands, or any other person authorized by law to administer oaths.

29. If there is an adverse claim is filed during the period of publication, the proceedings upon oath of the person or persons making the discovery, and the nature, boundaries, and extent of such claim, and the proceedings, except the publication of notice and the filing of the affidavits thereof, shall be stayed until the adverse claim have been settled or decided by a court of competent jurisdiction. The adverse claim waived. It shall be the duty of the applicant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the right of possession, and prosecute the same with diligence to final judgment, and a failure so to do shall be deemed a waiver of the adverse claim. After such judgment shall have been

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for his parties and interests in the case and discovery of the same in public lands, the recorder shall certify the proceedings of the recorder of the interior for the purpose and patents shall issue to the respective rights. If in any case title to the ground in controversy party, the court shall so find, and accordingly. In such case costs shall be paid by the claimant shall not proceed in the case or such other officer as by the government described as mining recorder or be so in controversy until he shall have proof contained shall be construed to prove conveyed by a patent for a mining claim.

SEC. 40. That the description of public lands shall designate the location of the lines of the public surveys, but need not where a patent shall be issued for claim. The chief of the Philippine insular bureau of the surveys shall adjust the same to the claim according to the plat or description in case to interfere with or change the location of the claim.

SEC. 41. That any person authorized to enter and obtain patent to lands the

be entered by any person, and no person shall be entitled to a patent for any discovery or invention of a new and useful process, machine, or apparatus, or of any new and useful improvement in any process, machine, or apparatus, until the same shall have been first reduced to writing, and the same shall be signed by the inventor, and the same shall be filed in the office of the chief of the Philippine insular bureau of public lands, and the same shall be published in the official gazette of the Philippine Islands, and the same shall be open to public inspection for a period of three months, and if during that period no objection is made to the same, then the same shall be granted as a patent, and the patent shall be valid for a term of years, and the patent shall be subject to the payment of a fee, and the fee shall be paid by the inventor, and the fee shall be paid to the chief of the Philippine insular bureau of public lands, and the fee shall be paid in advance of the grant of the patent.

Sec. 46. That the chief of the Philippine insular bureau of public lands may appoint and designate deputy mineral surveyors, and the expenses of the survey of vein or lode claims, and of the survey of placer claims, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall be at liberty to employ any such deputy mineral surveyor to make the survey. The chief of the Philippine insular bureau of public lands shall also have power to establish the maximum charges for surveys and publication of notices under this Act; and in case of excessive charges for publication he may designate any newspaper published in a province where mines are situated, or in Manila, for the publication of mining notices and fix the rates to be charged by such paper, and to the end that the chief of the bureau of public lands may be fully informed on the subject such applicant shall file with the provincial secretary, or such other officer as by the government of the Philippine Islands may be described as mining recorder, a statement of all charges and fees paid by such applicant for publication and surveys, and of all fees and money paid the provincial treasurer or the collector of internal revenue, as the case may be.

of labor, and the amount of the
preliminary fee shall be
value of labor, but not less than
two hectares; and payment of
rate as fixed by this Act, and
of a quartz mill or reduction
therewith may also receive a
this section.

Sec. 49. That as a condition of the grant of a patent for the pine Islands may provide rules for the location of mines, and rules concerning the right of way, right of Government and necessary means to their complete development, the provisions of this Act, and those expressed in the patent. The Philippine Government are hereby further empowered to employ surveyors.

Sec. 50. That whenever by priority of right of water for mining, agricultural, manufacturing, or other purposes have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the courts of justice, the possessors and owners of such vested rights shall be protected in the same, and the right of way for the construction of roads and canals for the purposes herein specified shall be confirmed, but whenever any person, in the construction of a road or canal, injures or damages the possession of land or domain, the party committing such injury shall be liable to the party injured for such injury or damage.

reference right of entry under the preceding section of the Act, and the improvements thereon.

Sec. 50. That the person under the preceding section shall file a declaration with the provincial secretary within sixty days after the expiration of the term of the lease, and the commencement of improvements shall be the filing of a declaratory statement therefor; and if the improvements shall have been made prior to the expiration of three months from the date of the passage of this Act, sixty days after the expiration of such three months shall be allowed for the filing of a declaratory statement; and no sale under the provisions of this Act shall be allowed until the expiration of six months from the date of the passage of this Act.

Sec. 51. That the three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons, any member of which shall have taken the benefit of such sections, either as an individual or as a member of any association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such section shall enter or hold any other lands under the provisions; and all persons claiming under section fifty-one shall be required to prove their respective rights and pay for the

of the proceeds of the sale of the same may be employed in the government in which the same are sold, and in case such regulations as may be prescribed by the highest bidder, for each hectare, shall be not less than three dollars per hectare; and in case such regulations shall be less than three dollars per hectare, the same shall be subject to payment of a price not less than three dollars per hectare for other lands in the said Islands and in the Philippines relating to the sales of public lands. Two newspapers, one printed in the Spanish language, at Manila, which shall be the property of the interior.

Sec. 59. That no Act granting lands to municipalities to aid in the construction of public purposes, shall be so construed as to embrace all cases, are reserved exclusively, unless otherwise provided in the Act or Acts making the grant.

Sec. 60. That nothing in this Act shall affect the rights of any person, partnership, or corporation, perfected mining concession granted prior to the year one hundred and ninety-nine, but all such concessions shall be conducted under the provisions of the law in force at the time granted, subject at all times to cancellation or forfeiture in the procedure by which they were obtained, and to comply with the conditions prescribed as required by law.

...may also be...
...the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be ap-

the Philippine Islands, and the Congress of the United States of said islands to incur indebtedness in any form, or to call for not less than par value of any registered or coupon bonds, or to pay interest thereon not to exceed five per centum of the entire indebtedness of any municipality, or not exceed five per centum of the value of property in said municipality, and any obligation so incurred be null and void.

Sec. 67. That all municipal bonds shall be for \$100 dollars, or any multiple thereof, bearing interest at the rate of five per centum per annum, payable semi-annually at the pleasure of the government, after dates named in said bonds not less than thirty years from the date of their issue, and thereon, in gold coin of the United States, or its value, or its equivalent in value in money. Said bonds shall be exempt from the payment of taxes of the government of the Philippine Islands, or therein, or the Government of the United States.

Sec. 68. That all moneys which may be received from the issue and sale of said bonds shall be used for the

Section 71. That said coupon or negotiable instrument shall be payable at the pleasure of the government of the Philippine Islands; after date named in said bonds and not more than thirty years from the date of their issue; and interest thereon to be paid semi-annually on the first day of January and July in each year until maturity.

Section 72. That all money raised by the sale of said bonds shall be used for the purpose of carrying out the irrigation and drainage system and other public works in the city of Manila and for no other purpose.

Section 73. That the government of the Philippine Islands shall have the right to levy and collect taxes on the city of Manila, or on the property therein, or by other means, under authority of law, to meet the obligation of said bonds and shall cause a sinking fund to be established to retire them and pay the interest thereon as provided in the terms of issue: *Provided*, That if said bonds are ever redeemed they shall be paid out of the funds of the government of the Philippine Islands; said city shall reimburse said government for the same when so required; and said government is hereby empowered to collect such sums as may be necessary for the redemption of said bonds from the levy and collection of taxes on said city.

thereof, for the value of the shares of stock of such corporation, and a percentage of gross earnings of such islands or of the provinces in which franchises are granted and existing, and it is unlawful for any corporation, company, person, company, or corporation to obtain a concession from the government, or to enter into a contract for the labor of persons, or to engage in involuntary servitude; and any person violating the provisions of this Act shall be guilty of an offence, and shall be liable to a fine of not less than ten thousand dollars.

Sec. 75. That no corporation shall be engaged in the business of buying and selling real estate, except such as may be required for it to carry out the purposes for which it is authorized to engage in agriculture, and it is restricted to the ownership and control of not more than twenty-four hectares of land; and it is unlawful for any member of a corporation engaged in agriculture, or for any corporation organized for any purpose, to be in any wise interested in any other corporation.

shall be of copper.

18. That the subsidiary silver coins of the Philippine Islands shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, and of the Secretary of War of the United States of America.

That the government of the Philippine Islands shall be authorized to issue minor coins of the denominations of one centavo, and five centavos, and such minor coins shall be legal tender in said islands for amounts not exceeding one centavo. The five-centavo piece shall be of copper and shall consist of three-fourths copper and one-fourth zinc. The one-centavo and one-half-centavo pieces shall be composed of copper and five per centum of tin and zinc, the proportions as shall be determined by said government. The one-centavo piece shall be seventy grains and the one-half-centavo piece forty grains troy, and of the five-centavo piece eighty grains troy. That for the purchase of metal for the subsidiary coins, authorized by the preceding sections, an appropriation may be made by the government of the Philippine Islands from

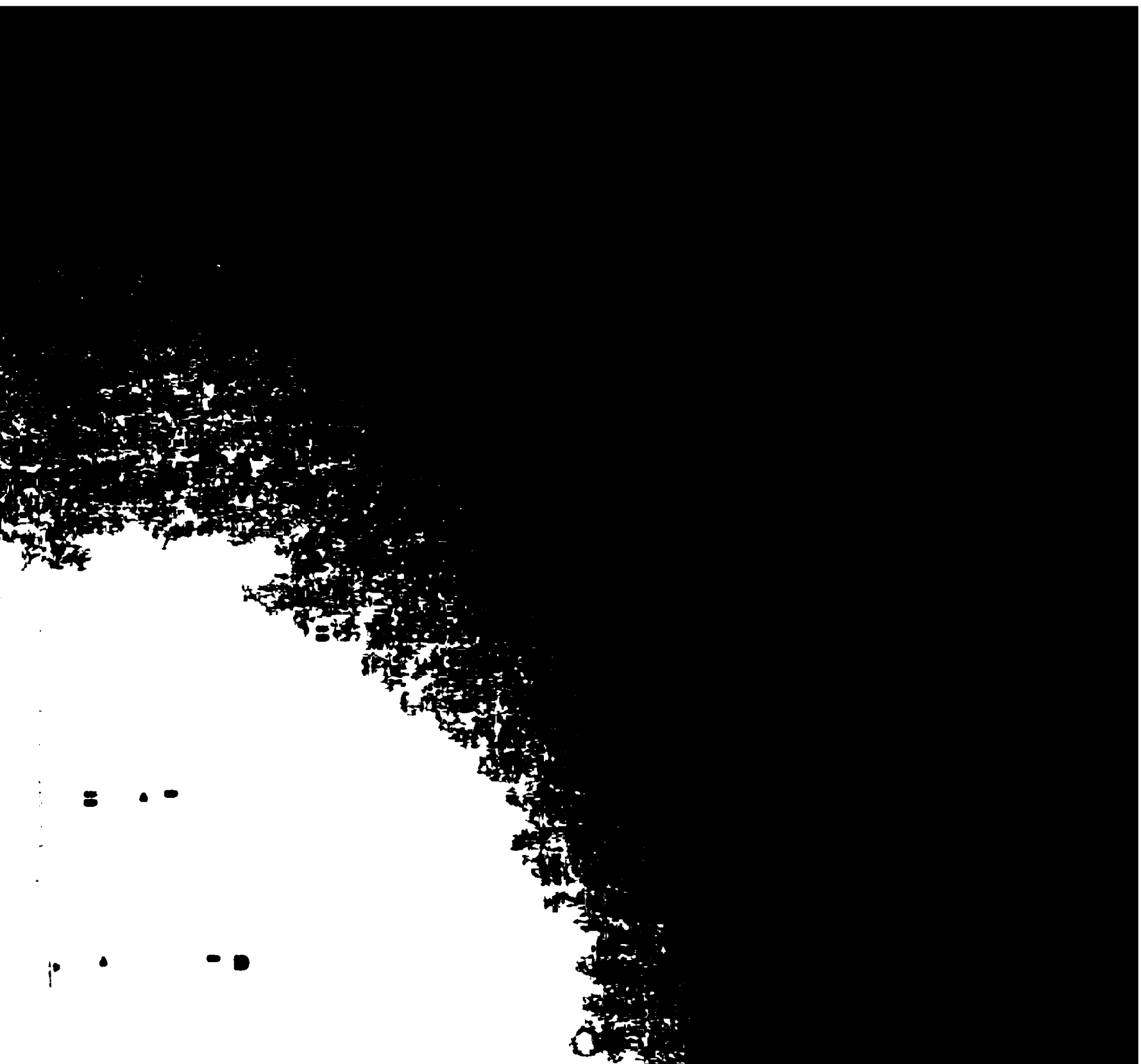
The provisions of such laws, Statutes, so far as now in force, shall apply to vessels making calls at the United States or its aforesaid possessions, and the provisions of law relating thereto shall apply in the case of all vessels of the United States or its aforesaid possessions. Customs officers at the port of departure shall be required by such law of consular officers.

Section three thousand and five, and other existing laws concerning the trade of the United States, shall apply to merchandise of the United States destined for any of its possessions, or destined from any of them to the United States.

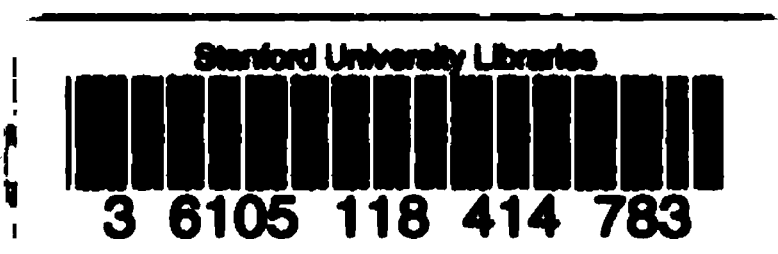
Nothing in this Act shall be held to repeal the Act of March eighth, nineteen hundred and one, which shall apply to Guam, Tutuila, or Manua, except the provisions of the Act entitled "An Act to revise and amend the laws of the Philippine Archipelago," enacted by the Philippine Commission, on the nineteenth of September, nineteen hundred and one.

That the War Department shall
be organized by the
War Department, and the
War Affairs of the War
Department shall be under the
control and supervision of the
War Department, and the
War Department shall be
assigned to detail an officer of the Army, who shall be
specially well qualified, to act under the authority of the
War Department as the chief of said Bureau; and said officer, while
on detail shall have the rank, pay and allowances of a
Colonel. That all Acts and parts of Acts inconsistent with this
Act be repealed.

Approved, July 1, 1902.



REFERENCE ROOM
DOES NOT CIRCULATE



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